

2023-013006

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CHRIS YAMAMOTO

CANYON COUNTY RECORDER

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CANYON COUNTY



**Canyon County
Recorder's Office
Document
Cover Sheet**





CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458

Fax: (208) 454-6633 • www.canyoncounty.org/dsd

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 23-049

THIS AGREEMENT, made and entered into this 25 day of April, 2023, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and Otoniel & Lorena Guzman, hereinafter referred to as "Applicant."

RECITALS

WHEREAS, The Applicant has applied to the County for a conditional rezone from an "R-R" (Rural Residential) Zone to "CR-R-1" (Conditional Rezone – Single-Family Residential) Zone (CR2022-0013), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcel R27939, approximately 2.76 acres, is owned by the Applicant; and

WHEREAS, on the 25 day of April, 2023, the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-1" Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B"; and

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance, or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Properties which is located in the unincorporated area of Canyon County, Idaho, more particularly described in EXHIBIT "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Property from "R-R" (Rural Residential) Zone to "CR-R-1" (Conditional Rezone – Single-Family Residential) Zone, which conditions are attached hereto as EXHIBIT "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see EXHIBIT "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-R-1" (Conditional Rezone – Single-Family Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in EXHIBIT "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number CR2022-0013 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth

in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A" are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Properties conditionally rezoned from "R-R" (Rural Residential) Zone designation to "CR-R-1" (Conditional Rezone – Single-Family Residential) Zone designation shall revert back to the "R-R" (Rural-Residential) Zone designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #310
Caldwell, Idaho 83605

Notices and communications required to be given to the Applicant shall be addressed to, and delivered at, the following addresses:

Name: Otoniel & Lorena Guzman
Street Address: 73 N Robinson Rd
City, State, Zip: Nampa, Idaho 83687

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicant(s), a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20. TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO

APPLICANT


Commissioner Leslie Van Beek

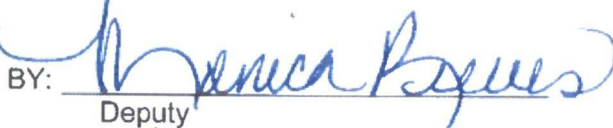

Otoniel Guzman, Property Owner


Commissioner Brad Holton


Commissioner Zach Brooks



ATTEST: Chris Yamamoto, Clerk

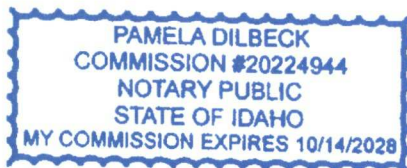
BY: 
Deputy


DATE: 4-25-23

(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)
) ss.
County of Canyon)

On this 25th day of April, 2023, before me, a notary public, personally appeared Otoniel Guzman, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.




Notary Public for Idaho

Residing at: Canyon County

My Commission Expires: 10/14/2028

EXHIBIT "A"

LEGAL DESCRIPTION

This parcel is a portion of the N ½ of Tract 21 of the Wilson Orchard Tracts as shown on the Official Plat in Book 4 of Plats at Page 10 in the Office of the Recorder for Canyon County, lying in the N ½ SE ¼ of Section 19 in Township 3 North, Range 1 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of Tract 21 of the Wilson Orchard Tracts, a found 5/8 inch diameter rebar;

thence South 00° 12' 47" West along the East boundary of Tract 21 a distance of 186.15 feet to a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 89° 58' 05" West a distance of 647.07 feet to a point on the West boundary of Tract 21, a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 00° 13' 24" East along said West boundary a distance of 185.48 feet to the Northwest corner of Tract 21, a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 89° 54' 30" East along the North boundary of Tract 21 a distance of 647.04 feet to the **POINT OF BEGINNING**, containing 2.760 acres, more or less and subject to any and all easements and rights-of-way of record or implied.

EXHIBIT "B"

CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject parcel R27939, 2.76 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Division) of the Canyon County Zoning Ordinance in substantial compliance with the conceptual site plan (Exhibit C) subject to the following restrictions:
 - a. Division of the subject parcel into more than two (2) parcels is prohibited.
 - b. The existing approach located on parcel R27939010 shall be used for both parcels.
 - c. Road Users' Maintenance Agreements for the existing shared access on parcel R27939010 and the proposed 28' easement are required prior to submittal of administrative land division with a map of the shared access easement as shown in Exhibit D.
 - d. A paved apron for the existing shared access is required prior to submittal of administrative land division.
3. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification or improvements shall be approved in writing by the local Irrigation District.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. The right to farm act statement shall be disclosed on deeds to all future parcel owners.

CONCEPTUAL SITE PLAN

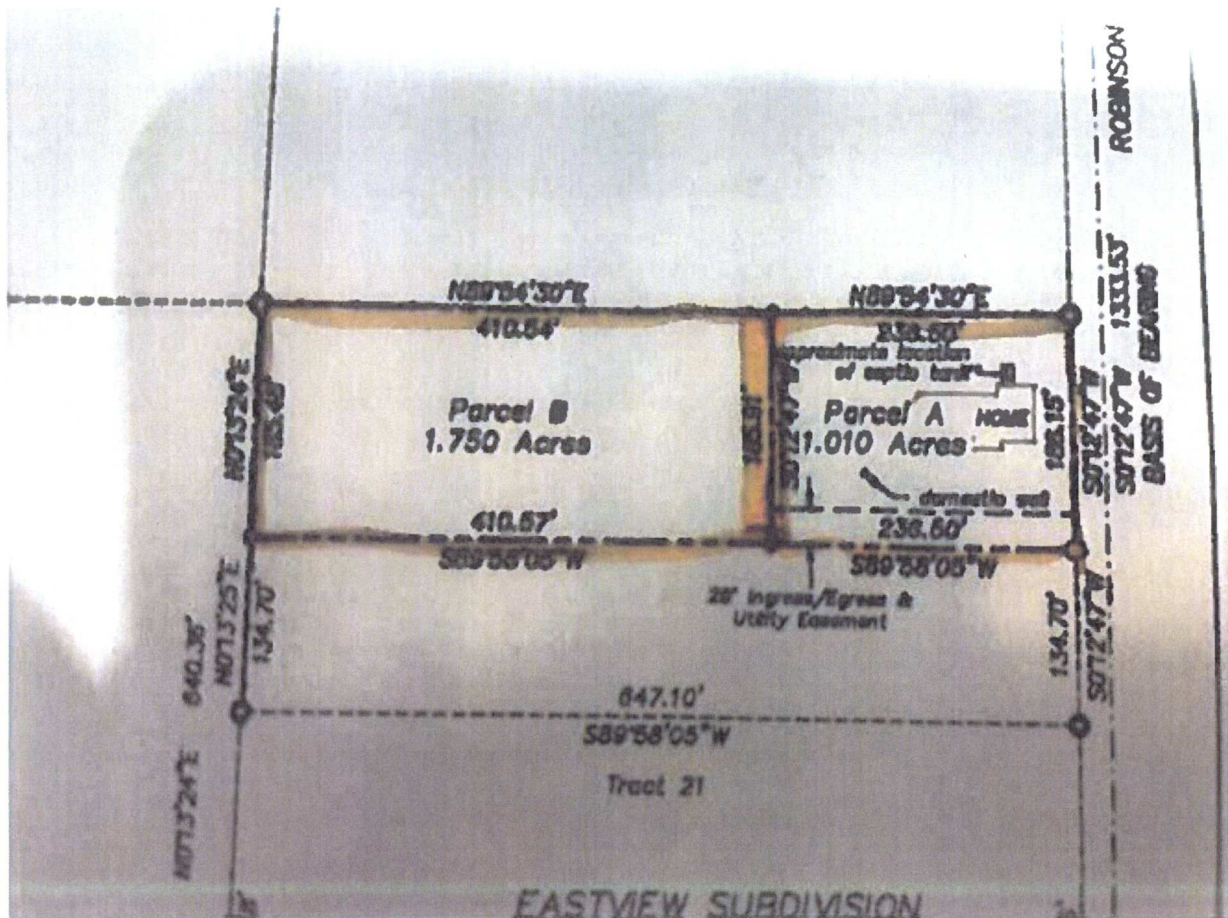


EXHIBIT "D"

SHARED ACCESS EASEMENT DRAWING





**Canyon County
Recorder's Office
Document
Cover Sheet**



2023-013005

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CHRIS YAMAMOTO

CANYON COUNTY RECORDER

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NO FEE

ORDINANCE

CANYON COUNTY

**ORDINANCE DIRECTING AMENDMENTS TO THE
CANYON COUNTY ZONING MAP
(Guzman – Conditional Rezone CR2022-0013)**

An ordinance of Canyon County, Idaho directing amendments to the Canyon County Zoning Map (Ordinance No. 12-021); providing for title, structure, purpose and authority clauses; rezone; severability; and an effective date.

Be It Ordained by the Board of County Commissioners of Canyon County, Idaho:

SECTION 1. TITLE.

This Ordinance shall be known as the “Ordinance Directing Amendments to Canyon County Zoning Map (for approximately 2.76 acres; Parcel R27939).

SECTION 2. STRUCTURE.

Titles and subtitles of this Ordinance are only used for organization and structure and the language in each paragraph of this Ordinance should control with regard to determining the legislative intent and meaning of the Board of County Commissioners.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to authorize the rezone of the property described in Section 5 of this Ordinance from “R-R” (Rural Residential) to “CR-R-1” (Conditional Rezone – Single Family Residential). The purpose of this Ordinance also authorizes amendments to the Official Maps of Canyon County to reflect the rezone authorized by this Ordinance.

SECTION 4. AUTHORITY.

This Ordinance amending the Official Zoning Maps of Canyon County (is enacted pursuant to the authority conferred by Canyon County Zoning Ordinance 7, Chapter 7, Article 6; and Idaho Code § 67-6511, 67-6511A, 31-714, 31-801 and 31-828.

SECTION 5. REZONE.

The subject property shall be and is rezoned from “R-R” (Rural Residential) to “CR-R-1” (Conditional Rezone – Single Family Residential), as specifically identified and described on the attached Exhibit “A”, pursuant to the Findings of Fact, Conclusions of Law and Order issued on *April 25, 2023* the Board of Canyon County Commissioners as authorized by Canyon County Zoning Ordinance, Chapter 7, Article 6; the Idaho Constitution; and Idaho Code § 67-6511, 67-6511A.

SECTION 6. SEVERABILITY CLAUSE.

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance in whole or in part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be in full force and effect on May 2, 2023.

ADOPTED AND APPROVED this 25 day of April, 2023.



**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

Yes

No

Did Not Vote

Commissioner Leslie Van Beek

Commissioner Brad Holton

Commissioner Zach Brooks

Attest: Chris Yamamoto, Clerk

By:

Deputy

Date:

Publication Date: May 2, 2023, Idaho Press-Tribune

EXHIBIT "A"

This parcel is a portion of the N $\frac{1}{2}$ of Tract 21 of the Wilson Orchard Tracts as shown on the Official Plat in Book 4 of Plats at Page 10 in the Office of the Recorder for Canyon County, lying in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 19 in Township 3 North, Range 1 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of Tract 21 of the Wilson Orchard Tracts, a found 5/8 inch diameter rebar;

thence South 00° 12' 47" West along the East boundary of Tract 21 a distance of 186.15 feet to a $\frac{1}{2}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 89° 58' 05" West a distance of 647.07 feet to a point on the West boundary of Tract 21, a $\frac{1}{2}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 00° 13' 24" East along said West boundary a distance of 185.48 feet to the Northwest corner of Tract 21, a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 89° 54' 30" East along the North boundary of Tract 21 a distance of 647.04 feet to the **POINT OF BEGINNING**, containing 2.760 acres, more or less and subject to any and all easements and rights-of-way of record or implied.



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Guzman – CR2022-0013

The Canyon County Board of County Commissioners consider the following:

1) Conditional Rezone

CR2022-0013, 73 N Robinson (R27939), a portion of the SE¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho

2) Development Agreement with conditions that restrict development to only two lots with a shared access.

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0013.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), Canyon County Code §09-11-25 (Area of City Impact Agreement), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6511.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 67-6511.
4. The Board can sustain, modify or reject the Commission's recommendations. *See* CCZO §07-05-03.
5. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The

County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CR2022-0013) was presented at a public hearing before the Canyon County Board of County Commissioners on April 25, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The property is designated as "residential" on the Future Land Use Map within the 2020 Canyon County Comprehensive Plan. The 2030 Canyon County Comprehensive Plan Future Land Use Map and the Nampa Future Land Use Map also have a residential designation for the parcel. The request is generally consistent with the following policies and goals of the 2020 Canyon County Comprehensive Plan:

- Property Rights Policy No. 1: "No person shall be deprived of private property without due process of law."
- Economic Development Policy No. 6: "Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County."
- Land Use Goal No. 2: "To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area."
- Land Use Goal No. 5: "Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area."
- Land Use Policy No. 1: "Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas."
- Land Use Policy No. 2: "Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate."
- Land Use Goal No. 6: "Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur."
- Housing Policy No. 1: "Encourage a variety of housing choices that meet the needs of families, various age groups and incomes."
- Public Services, Facilities and Utilities Policy No. 3: "Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."

The applicant is being given due process of law through the hearing process. The proposed conditional rezone would allow for residential development within an already residential zone at a similar density to surrounding parcels. The use, as conditioned, is compatible with the existing agricultural and non-agricultural development in the area. The land use compatibility and impact to surrounding areas has been evaluated (see Criteria B). The proposal is an orderly development of an individual land parcel, and a development agreement is determined to be appropriate. The area is designated as "Residential" on the 2020 Comprehensive Plan. The proposal would allow for additional housing. The subject parcel is in a rural fire protection district.

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: As conditioned, the request is more appropriate than the current zoning designation and is consistent with the future land use map designation of residential.

Finding: The area is predominately zoned "R-R" (Rural Residential) and "A" (Agricultural). Pursuant to CCZO §07-10-25(1), the purpose of the "A" (Agricultural) zone is:

- A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*

Pursuant to CCZO §07-10-25(2), the purpose of the "R-R" (Rural Residential) zone is "to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable".

Pursuant to CCZO §07-10-25(3), the purpose of the "R-1" (Single-Family Residential) zone is "to promote and enhance predominantly single-family living areas at a low density standard".

The nearest similar zone is approximately 825 feet southwest from the property. The parcel and surrounding parcels to the north, south, and west are zoned "R-R" (Rural-Residential). These parcels were part of a mass rezone, so many of them are below the 2-acre minimum lot size required by the zone. Larger parcels zoned "A" (Agricultural) are located directly to the east. The average lot size of parcels within 600 feet is 2.58 acres.

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Finding: The subject parcel is surrounded by active agricultural and residential uses. Residential uses are located directly to the north, west, south, and further to the east with parcels ranging from approximately 0.5-6 acres. Nampa city limits are approximately 1 mile to the west, and the Ada County border is approximately 1 mile to the east. Agricultural uses are located directly to the east and further to the south. The average lot size of parcels within 600 feet is 2.58 acres.

There are 43 platted subdivisions within a one-mile radius of the request with an average lot size of 1.25 acres. Currently there are three (3) subdivisions within the platting stages. As conditioned, the request will create a 1.38-acre average lot size. The 1-acre and 1.75-acre parcels proposed are similar to parcel sizes divided by land division and subdivisions in the area.

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned, the request will not negatively affect the character of the area.

Finding: There are 43 platted subdivisions within a one-mile radius from the subject property with a 1.25-acre average lot size. As conditioned, the request will create a 1.38-acre average lot size. The 1-acre and 1.75-acre parcels proposed are similar to parcel sizes divided by land division and subdivisions in the area.

A total of two (2) parcels will be allowed to be created via administrative land division (Attachment A, Condition 2a). One parcel will contain the existing dwelling and outbuildings. There is one structure which will be required to be demolished prior to approval of the land division on the current parcel. The result of the request creates one (1) additional dwelling, with the possibility of a secondary dwelling.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the request at the time of land division and development.

Finding: Future development will require domestic wells and septic systems. Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of an individual well and septic system.

If approved through the administrative land division application process of dividing the parcel any water rights will be divided accordingly or each parcel shall use 0.5 acre from the domestic well in accordance with Idaho Law 42-111(a).

F. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property has legal access and must meet requirements at time of development to maintain legal access.

Finding: The property has frontage and existing access from Robinson Road, a minor arterial. It has access through an easement on parcel R27939010, as required by Nampa Highway District. Future access will be required to meet CCZO §07-10-03. A Road Users' Maintenance Agreement will be required prior to issuance of a building permit (Attachment 1, Exhibit B). A paved apron is required for the existing shared access prior to submittal of administrative land division (Attachment 1, Exhibit B).

G. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: As conditioned (Attachment 1, Exhibit B), the request will not cause undue interference with existing or future traffic patterns as proposed.

Finding: Nampa Highway District and Nampa Engineering Division did not indicate a need for public street improvements. As conditioned by the development agreement, a total of two (2) parcels will be allowed to be created via administrative land division. The result of the request creates one additional dwelling (a total of 9.52 average daily trips), with the possibility of a secondary residence. As conditioned, the request is not anticipated to create traffic issues.

H. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: As conditioned (Attachment 1, Exhibit B), the request is not anticipated to impact essential services. The subject parcel is located approximately one mile west of Nampa city limits. The property will be served by Endeavor Elementary School, East Valley Middle School and Columbia High School. Canyon County Ambulance, Nampa School District, Canyon County Sheriff, and Nampa Fire District were notified. No comments were received.

Canyon County Code §09-11-25 - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Nampa Area of City Impact. A notice was sent to the City of Nampa per Canyon County Code Section 09-11-17.

Findings: (1) Pursuant to §09-11-25, a notice was sent to the City of Nampa on July 5, 2022.

(2) The City of Nampa sent a comment opposed to the application due to the lot size being too large for the city's future land use designation.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0013.

Order


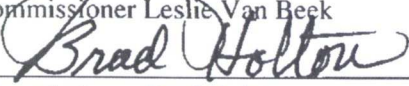

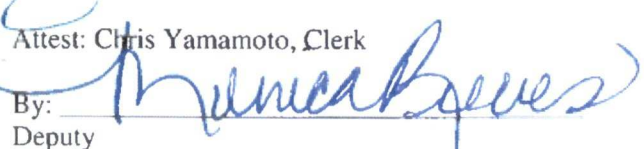
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approves** Case # CR2022-0013, a conditional rezone of parcel R27939, approximately 2.76 acres, from an "R-R" (Rural-Residential) zone to a "CR-R-1" (Single-Family Residential) zone subject to conditions of the development agreement (Attachment 1).

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

DATED this 25 day of April, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

☒ Motion Carried Unanimously
☐ Motion Carried/Split Vote Below
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attest: Chris Yamamoto, Clerk			
By:  Deputy	Date: <u>4-25-23</u>		



BOARD OF COUNTY COMMISSIONERS

STAFF REPORT ADDENDUM

CR2022-0013

HEARING DATE: April 25, 2023

OWNER: Otoniel & Lorena
Guzman

APPLICANT/REP: N/A

PLANNER: Madelyn Vander Veen,
Planner I

CASE NUMBER: CR2022-0013



EXECUTIVE SUMMARY:

- The applicant, Otoniel Guzman, is requesting a conditional rezone from a “R-R” (Rural Residential) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel.
- The 2.76-acre property is located at 73 N Robinson Road, Nampa; also referenced as a portion of the SE¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho.
- On February 22, 2023, the Hearing Examiner recommended approval of the request subject to the conditions of the development agreement.
- Two exhibits were received after the Hearing Examiner hearing. These can be seen in Exhibits E1 and E2.

EXHIBITS:

Exhibit A: Draft BOCC FCOs

Attachment 1: Development Agreement

Exhibit A: Legal Description

Exhibit B: Conditions

Exhibit C: Conceptual Site Plan

Exhibit D: Shared Access Easement Drawing

Exhibit B: Signed FCOs – Hearing Examiner

Exhibit C: Minutes – Hearing Examiner

Exhibit D: Staff Report – Hearing Examiner

Exhibit 1: Draft FCOs

Exhibit 2: Letter of Intent/Site Plan/Land Use Worksheet

Exhibit 3: Neighborhood Meeting

Exhibit 4: Maps

4a: Small Aerial

4b: Vicinity

- 4c: Zoning
- 4d: Subdivisions & Lot Report
- 4e: Soils and Prime Farmland
- 4f: Future Land Use
- 4g: Lot Classification
- 4h: Nitrate Priority Area
- 4i: Case Map & Report

Exhibit 5: Agency Comments

- 5a: Nampa Highway District
- 5b: Nampa Planning & Zoning/Nampa Engineering

Exhibit E: Comments received after the initial hearing

- E1: Idaho Transportation Department
- E2: Department of Environmental Quality



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Guzman – CR2022-0013

The Canyon County Board of County Commissioners consider the following:

1) Conditional Rezone

CR2022-0013, 73 N Robinson (R27939), a portion of the SE¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho

2) Development Agreement with conditions that restrict development to only two lots with a shared access.

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0013.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), Canyon County Code §09-11-25 (Area of City Impact Agreement), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6511.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 67-6511.
4. The Board can sustain, modify or reject the Commission’s recommendations. *See* CCZO §07-05-03.
5. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The

County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CR2022-0013) was presented at a public hearing before the Canyon County Board of County Commissioners on April 25, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The property is designated as “residential” on the Future Land Use Map within the 2020 Canyon County Comprehensive Plan. The 2030 Canyon County Comprehensive Plan Future Land Use Map and the Nampa Future Land Use Map also have a residential designation for the parcel. The request is generally consistent with the following policies and goals of the 2020 Canyon County Comprehensive Plan:

- Property Rights Policy No. 1: “No person shall be deprived of private property without due process of law.”
- Economic Development Policy No. 6: “Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.”
- Land Use Goal No. 2: “To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area.”
- Land Use Goal No. 5: “Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”
- Land Use Policy No. 1: “Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.”
- Land Use Policy No. 2: “Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.”
- Land Use Goal No. 6: “Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.”
- Housing Policy No. 1: “Encourage a variety of housing choices that meet the needs of families, various age groups and incomes.”
- Public Services, Facilities and Utilities Policy No. 3: “Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”

The applicant is being given due process of law through the hearing process. The proposed conditional rezone would allow for residential development within an already residential zone at a similar density to surrounding parcels. The use, as conditioned, is compatible with the existing agricultural and non-agricultural development in the area. The land use compatibility and impact to surrounding areas has been evaluated (see Criteria B). The proposal is an orderly development of an individual land parcel, and a development agreement is determined to be appropriate. The area is designated as “Residential” on the 2020 Comprehensive Plan. The proposal would allow for additional housing. The subject parcel is in a rural fire protection district.

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: As conditioned, the request is more appropriate than the current zoning designation and is consistent with the future land use map designation of residential.

Finding: The area is predominately zoned “R-R” (Rural Residential) and “A” (Agricultural). Pursuant to CCZO §07-10-25(1), the purpose of the “A” (Agricultural) zone is:

- A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*

Pursuant to CCZO §07-10-25(2), the purpose of the “R-R” (Rural Residential) zone is “to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable”.

Pursuant to CCZO §07-10-25(3), the purpose of the “R-1” (Single-Family Residential) zone is “to promote and enhance predominantly single-family living areas at a low density standard”.

The nearest similar zone is approximately 825 feet southwest from the property. The parcel and surrounding parcels to the north, south, and west are zoned “R-R” (Rural-Residential). These parcels were part of a mass rezone, so many of them are below the 2-acre minimum lot size required by the zone. Larger parcels zoned “A” (Agricultural) are located directly to the east. The average lot size of parcels within 600 feet is 2.58 acres.

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Finding: The subject parcel is surrounded by active agricultural and residential uses. Residential uses are located directly to the north, west, south, and further to the east with parcels ranging from approximately 0.5-6 acres. Nampa city limits are approximately 1 mile to the west, and the Ada County border is approximately 1 mile to the east. Agricultural uses are located directly to the east and further to the south. The average lot size of parcels within 600 feet is 2.58 acres.

There are 43 platted subdivisions within a one-mile radius of the request with an average lot size of 1.25 acres. Currently there are three (3) subdivisions within the platting stages. As conditioned, the request will create a 1.38-acre average lot size. The 1-acre and 1.75-acre parcels proposed are similar to parcel sizes divided by land division and subdivisions in the area.

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned, the request will not negatively affect the character of the area.

Finding: There are 43 platted subdivisions within a one-mile radius from the subject property with a 1.25-acre average lot size. As conditioned, the request will create a 1.38-acre average lot size. The 1-acre and 1.75-acre parcels proposed are similar to parcel sizes divided by land division and subdivisions in the area.

A total of two (2) parcels will be allowed to be created via administrative land division (Attachment A, Condition 2a). One parcel will contain the existing dwelling and outbuildings. There is one structure which will be required to be demolished prior to approval of the land division on the current parcel. The result of the request creates one (1) additional dwelling, with the possibility of a secondary dwelling.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the request at the time of land division and development.

Finding: Future development will require domestic wells and septic systems. Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of an individual well and septic system.

If approved through the administrative land division application process of dividing the parcel any water rights will be divided accordingly or each parcel shall use 0.5 acre from the domestic well in accordance with Idaho Law 42-111(a).

F. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property has legal access and must meet requirements at time of development to maintain legal access.

Finding: The property has frontage and existing access from Robinson Road, a minor arterial. It has access through an easement on parcel R27939010, as required by Nampa Highway District. Future access will be required to meet CCZO §07-10-03. A Road Users' Maintenance Agreement will be required prior to issuance of a building permit (Attachment 1, Exhibit B). A paved apron is required for the existing shared access prior to submittal of administrative land division (Attachment 1, Exhibit B).

G. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: As conditioned (Attachment 1, Exhibit B), the request will not cause undue interference with existing or future traffic patterns as proposed.

Finding: Nampa Highway District and Nampa Engineering Division did not indicate a need for public street improvements. As conditioned by the development agreement, a total of two (2) parcels will be allowed to be created via administrative land division. The result of the request creates one additional dwelling (a total of 9.52 average daily trips), with the possibility of a secondary residence. As conditioned, the request is not anticipated to create traffic issues.

H. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: As conditioned (Attachment 1, Exhibit B), the request is not anticipated to impact essential services. The subject parcel is located approximately one mile west of Nampa city limits. The property will be served by Endeavor Elementary School, East Valley Middle School and Columbia High School. Canyon County Ambulance, Nampa School District, Canyon County Sheriff, and Nampa Fire District were notified. No comments were received.

Canyon County Code §09-11-25 - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Nampa Area of City Impact. A notice was sent to the City of Nampa per Canyon County Code Section 09-11-17.

Findings: (1) Pursuant to §09-11-25, a notice was sent to the City of Nampa on July 5, 2022.

(2) The City of Nampa sent a comment opposed to the application due to the lot size being too large for the city's future land use designation.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0013.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approves** Case # CR2022-0013, a conditional rezone of parcel R27939, approximately 2.76 acres, from an “R-R” (Rural-Residential) zone to a “CR-R-1” (Single-Family Residential) zone subject to conditions of the development agreement (Attachment 1).

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

DATED this _____ day of _____, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

_____ Motion Carried Unanimously
_____ Motion Carried/Split Vote Below
_____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Chris Yamamoto, Clerk

By: _____
Deputy

Date: _____



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458

Fax: (208) 454-6633 • www.canyoncounty.org/dsd

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: _____

THIS AGREEMENT, made and entered into this _____ day of _____, 2023, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and Otoniel & Lorena Guzman, hereinafter referred to as "Applicant."

RECITALS

WHEREAS, The Applicant has applied to the County for a conditional rezone from an "R-R" (Rural Residential) Zone to "CR-R-1" (Conditional Rezone – Single-Family Residential) Zone (CR2022-0013), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcel R27939, approximately 2.76 acres, is owned by the Applicant; and

WHEREAS, on the _____ day of _____, 2023, the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-1" Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B"; and

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance, or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Properties which is located in the unincorporated area of Canyon County, Idaho, more particularly described in EXHIBIT "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Property from "R-R" (Rural Residential) Zone to "CR-R-1" (Conditional Rezone – Single-Family Residential) Zone, which conditions are attached hereto as EXHIBIT "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see EXHIBIT "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-R-1" (Conditional Rezone – Single-Family Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in EXHIBIT "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number CR2022-0013 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth

in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A " are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Properties conditionally rezoned from "R-R" (Rural Residential) Zone designation to "CR-R-1" (Conditional Rezone – Single-Family Residential) Zone designation shall revert back to the "R-R" (Rural-Residential) Zone designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #310
Caldwell, Idaho 83605

Notices and communications required to be given to the Applicant shall be addressed to, and delivered at, the following addresses:

Name: Otoniel & Lorena Guzman
Street Address: 73 N Robinson Rd
City, State, Zip: Nampa, Idaho 83687

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicant(s), a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20. TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

APPLICANT

Commissioner Leslie Van Beek

Otoniel Guzman, Property Owner

Commissioner Brad Holton

Commissioner Zach Brooks

ATTEST: Chris Yamamoto, Clerk

BY: _____
Deputy

DATE: _____

(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of _____, 20____, before me, a notary public, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTION

This parcel is a portion of the N ½ of Tract 21 of the Wilson Orchard Tracts as shown on the Official Plat in Book 4 of Plats at Page 10 in the Office of the Recorder for Canyon County, lying in the N ½ SE ¼ of Section 19 in Township 3 North, Range 1 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of Tract 21 of the Wilson Orchard Tracts, a found 5/8 inch diameter rebar;

thence South 00° 12' 47" West along the East boundary of Tract 21 a distance of 186.15 feet to a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 89° 58' 05" West a distance of 647.07 feet to a point on the West boundary of Tract 21, a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 00° 13' 24" East along said West boundary a distance of 185.48 feet to the Northwest corner of Tract 21, a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 89° 54' 30" East along the North boundary of Tract 21 a distance of 647.04 feet to the **POINT OF BEGINNING**, containing 2.760 acres, more or less and subject to any and all easements and rights-of-way of record or implied.

EXHIBIT “B”

CONDITIONS OF APPROVAL

- 1.** The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
- 2.** The subject parcel R27939, 2.76 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Division) of the Canyon County Zoning Ordinance in substantial compliance with the conceptual site plan (Exhibit C) subject to the following restrictions:
 - a.** Division of the subject parcel into more than two (2) parcels is prohibited.
 - b.** The existing approach located on parcel R27939010 shall be used for both parcels.
 - c.** Road Users’ Maintenance Agreements for the existing shared access on parcel R27939010 and the proposed 28’ easement are required prior to submittal of administrative land division with a map of the shared access easement as shown in Exhibit D.
 - d.** A paved apron for the existing shared access is required prior to submittal of administrative land division.
- 3.** Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification or improvements shall be approved in writing by the local Irrigation District.
- 4.** The developer shall comply with CCZO §07-06-07 (4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”
- 5.** The right to farm act statement shall be disclosed on deeds to all future parcel owners.

EXHIBIT "C"

CONCEPTUAL SITE PLAN

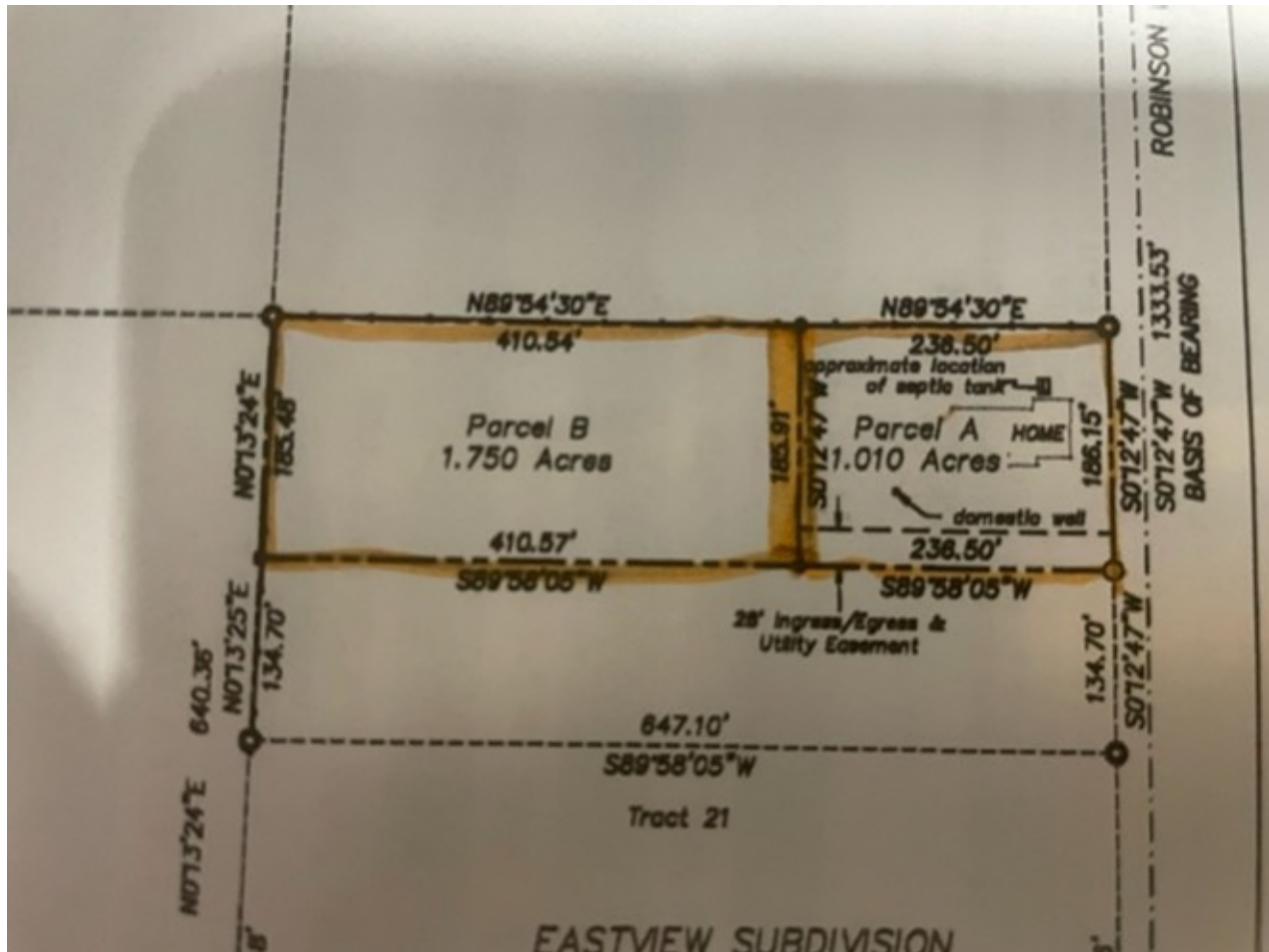


EXHIBIT "D"

SHARED ACCESS EASEMENT DRAWING





Findings of Fact, Conclusions of Law, and Order
Conditional Rezone – CR2022-0013

Findings of Fact

1. The applicant, Otoniel Guzman, is requesting a conditional rezone of Parcel R27939 from a “R-R” (Rural Residential) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel. The 2.76-acre property is located at 73 N Robinson Road, Nampa; also referenced as a portion of the SE¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho.
2. The subject property is designated as “residential” on the 2020 Canyon County Future Land Use Map.
3. The subject property is located within the Nampa city impact area.
4. The subject property is located within Nampa Highway District, Nampa Fire District, and Nampa School District.
5. The neighborhood meeting was held March 5, 2022 pursuant to CCZO §07-01-15.
6. Notice of the public hearing was provided as per CCZO §07-05-01: Affected agencies were notified on July 5, 2022. Full political & JEPA notice was sent July 5, 2022. Property owners within 600 ft. were notified by mail on January 27, 2023. Newspaper notice was published on January 29, 2023. The property was posted on February 6, 2023.
7. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on February 15, 2023 and all information contained in DSD case file, CR2022-0013.

Conclusions of Law

For this request, the Hearing Examiner finds and concludes the following regarding the Standards of Review for a Conditional Rezone (§07-06-07(6)):

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The property is designated as “residential” on the Future Land Use Map within the 2020 Canyon County Comprehensive Plan. The 2030 Canyon County Comprehensive Plan Future Land Use Map and the Nampa Future Land Use Map also have a residential designation for the parcel. The request is generally consistent with the following policies and goals of the 2020 Canyon County Comprehensive Plan:

- Property Rights Policy No. 1: “No person shall be deprived of private property without due process of law.”
- Economic Development Policy No. 6: “Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.”
- Land Use Goal No. 2: “To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area.”

- Land Use Goal No. 5: *"Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area."*
- Land Use Policy No. 1: *"Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas."*
- Land Use Policy No. 2: *"Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate."*
- Land Use Goal No. 6: *"Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur."*
- Housing Policy No. 1: *"Encourage a variety of housing choices that meet the needs of families, various age groups and incomes."*
- Public Services, Facilities and Utilities Policy No. 3: *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."*

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: As conditioned, the request is more appropriate than the current zoning designation and is consistent with the future land use map designation of residential.

Finding: The area is predominately zoned "R-R" (Rural Residential) and "A" (Agricultural). Pursuant to CCZO §07-10-25(1), the purpose of the "A" (Agricultural) zone is:

- A. *Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. *Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. *Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. *Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. *Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*

Pursuant to CCZO §07-10-25(2), the purpose of the "R-R" (Rural Residential) zone is *"to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable"*.

Pursuant to CCZO §07-10-25(3), the purpose of the "R-1" (Single-Family Residential) zone is *"to promote and enhance predominantly single-family living areas at a low density standard"*.

The nearest similar zone is approximately 825 feet southwest from the property. The parcel and surrounding parcels to the north, south, and west are zoned "R-R" (Rural-Residential). These parcels were part of a mass rezone, so many of them are below the 2-acre minimum lot size required by the zone. Larger parcels zoned "A" (Agricultural) are located directly to the east. The average lot size of parcels within 600 feet is 2.58 acres.

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Finding: The subject parcel is surrounded by active agricultural and residential uses. Residential uses are located directly to the north, west, south, and further to the east with parcels ranging from approximately 0.5-6 acres. Nampa city limits are approximately 1 mile to the west, and the Ada County border is approximately 1 mile to the east. Agricultural uses are located directly to the east and further to the south. The average lot size of parcels within 600 feet is 2.58 acres.

There are 43 platted subdivisions within a one-mile radius of the request with an average lot size of 1.25 acres. Currently there are three (3) subdivisions within the platting stages. As conditioned, the request will create a 1.38-acre average lot size. The 1-acre and 1.75-acre parcels proposed are similar to parcel sizes divided by land division and subdivisions in the area.

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned, the request will not negatively affect the character of the area.

Finding: There are 43 platted subdivisions within a one-mile radius from the subject property with a 1.25-acre average lot size. As conditioned, the request will create a 1.38-acre average lot size. The 1-acre and 1.75-acre parcels proposed are similar to parcel sizes divided by land division and subdivisions in the area.

A total of two (2) parcels will be allowed to be created via administrative land division (Attachment A, Condition 2a). One parcel will contain the existing dwelling and outbuildings. There is one structure which will be required to be demolished prior to approval of the land division on the current parcel. The result of the request creates one (1) additional dwelling, with the possibility of a secondary dwelling.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the request at the time of land division and development.

Finding: Future development will require domestic wells and septic systems. Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of an individual well and septic system.

If approved through the administrative land division application process of dividing the parcel any water rights will be divided accordingly or each parcel shall use 0.5 acre from the domestic well in accordance with Idaho Law 42-111(a).

F. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property has legal access and must meet requirements at time of development to maintain legal access.

Finding: The property has frontage and existing access from Robinson Road, a minor arterial. It has access through an easement on parcel R27939010, as required by Nampa Highway District. Future access will be required to meet CCZO §07-10-03. A Road Users' Maintenance Agreement will be required prior to issuance of a building permit (Attachment A, Condition 2c). A paved apron is required for the existing shared access prior to submittal of administrative land division (Attachment A, Condition 2d).

G. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: As conditioned (Attachment A), the request will not cause undue interference with existing or future traffic patterns as proposed.

Finding: Nampa Highway District and Nampa Engineering Division did not indicate a need for public street improvements. As conditioned by the development agreement, a total of two (2) parcels will be allowed to be created via administrative land division. The result of the request creates one additional dwelling (a total of 9.52 average daily trips), with the possibility of a secondary residence. As conditioned, the request is not anticipated to create traffic issues.

H. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: As conditioned (Attachment A), the request is not anticipated to impact essential services. The subject parcel is located approximately one mile west of Nampa city limits. The property will be served by Endeavor Elementary School, East Valley Middle School and Columbia High School. Canyon County Ambulance, Nampa School District, Canyon County Sheriff, and Nampa Fire District were notified. No comments were received.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Hearing Examiner **recommends approval** of Case # CR2022-0013, a conditional rezone of Parcel R27939 from an "R-R" (Rural Residential) zone to an "CR-R-1" (Conditional Rezone – Single-Family Residential) zone subject to conditions of the development agreement (Attachment A & B).

APPROVED this 15th day of February, 2023.



CANYON COUNTY HEARING EXAMINER

Bruce Eggleston
Bruce Eggleston, Hearing Examiner

State of Idaho)

SS

County of Canyon County)

On this 15th day of February, in the year 2023 before me Bonnie Puleo, a notary public, personally appeared Bruce Eggleston, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he(he) executed the same.

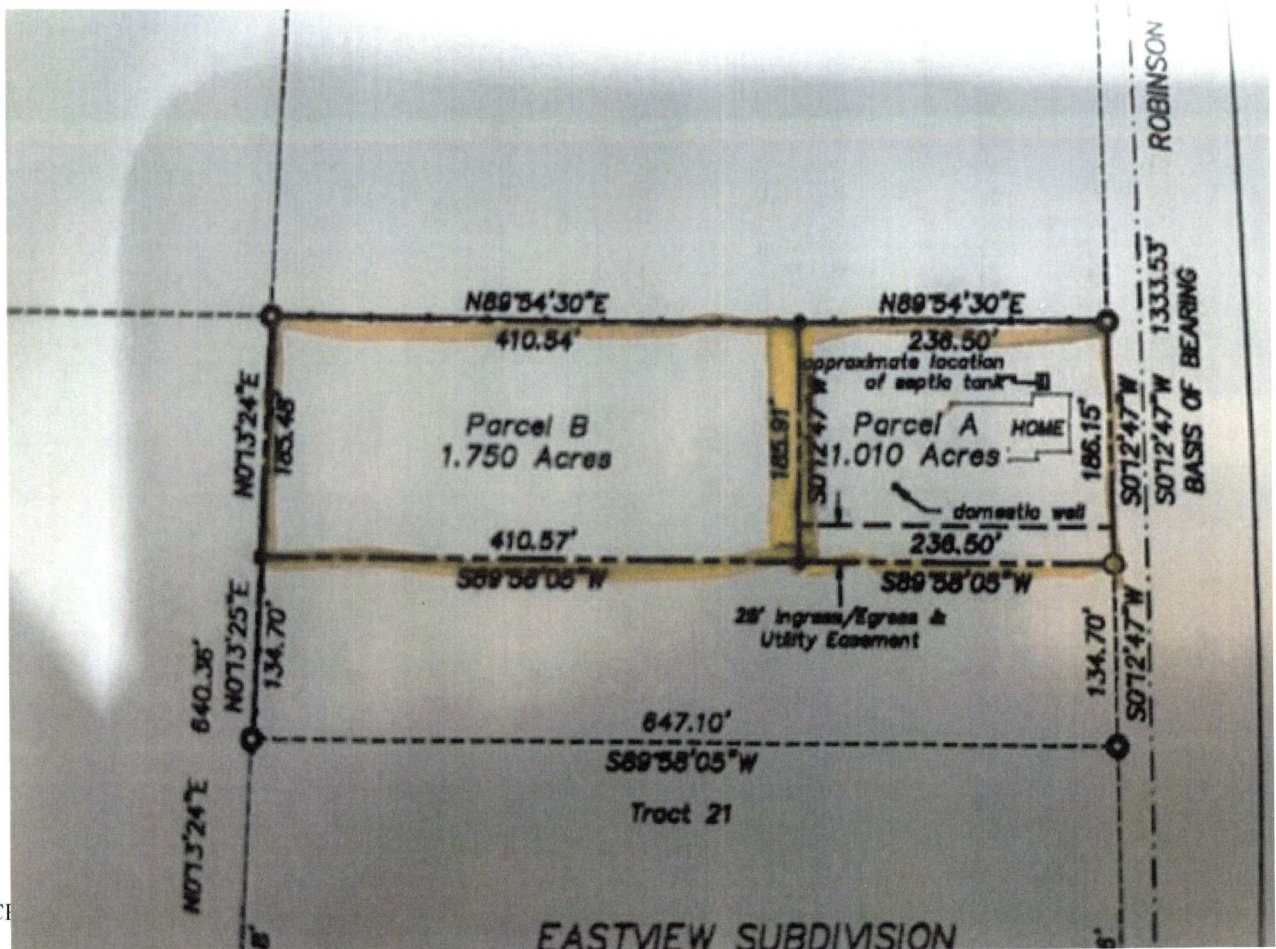
Notary: Bonnie C. Puleo

My Commission Expires: 12/10/2027

**ATTACHMENT A
DEVELOPMENT AGREEMENT CONDITIONS**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject parcel R27939, 2.76 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Division) of the Canyon County Zoning Ordinance in substantial compliance with the conceptual site plan (Attachment B) subject to the following restrictions:
 - a. Division of the subject parcel into more than two (2) parcels is prohibited.
 - b. The existing approach located on parcel R27939010 shall be used for both parcels.
 - c. Road Users' Maintenance Agreements for the existing shared access on parcel R27939010 and the proposed 28' easement are required prior to submittal of administrative land division with a map of the shared access easement as shown in Attachment C.
 - d. A paved apron for the existing shared access is required prior to submittal of administrative land division.
3. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification or improvements shall be approved in writing by the local Irrigation District.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. The right to farm act statement shall be disclosed on deeds to all future parcel owners.

**ATTACHMENT B
CONCEPTUAL SITE PLAN**



**ATTACHMENT C
SHARED ACCESS EASEMENT DRAWING**





CANYON COUNTY HEARING EXAMINER
MINUTES OF REGULAR MEETING HELD
Wednesday, February 15, 2023
1:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Hearing Examiner Present: Bruce Eggleston

Staff Members Present: Michelle Barron, Planner
Madelyn Vander Veen, Planner
Bonnie Puleo, Recording Secretary

Hearing Examiner Bruce Eggleston called the meeting to order at 1:30 p.m. and read the testimony guidelines.

Recording Secretary Bonnie Puleo called roll and swore in the Hearing Examiner and staff.

- **Case CR2022-0013/Otoniel Guzman:** The applicant, Otoniel Guzman, is requesting a conditional rezone of Parcel R27939 from a "R-R" (Rural Residential) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel. The 2.76-acre property is located at 73 N Robinson Road, Nampa; also referenced as a portion of the SE¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho. On February 22, 2023, the Hearing Examiner recommended approval of the request subject to the conditions of the development agreement.

Planner Madelyn Vander Veen reviewed the Staff report for the record (including late exhibits).

Recording Secretary Bonnie Puleo affirmed the witnesses to testify.

Testimony:

Rudy Guzman – Applicant (Representative) – IN FAVOR – 73 N. Robinson Road Nampa ID 83687

Mr. Guzman said he is speaking on behalf of his father, Otoniel Guzman. They are proposing this split for their family to expand; it is for another home for their family. They have already spoken to the Highway District who has let them know how far they could go with the easement and the Highway District has no issue with it. He said this is not for business or agriculture. They are simply proposing another residential home not a subdivision. He said this is for them (the Guzmans), so they can stay there for a long time.

Vadim Bukhantsov – IN FAVOR – 65 N. Robinson Road Nampa ID 83687

Mr. Bukhantsov said he lives with his father-in-law, Vyacheslaw Derkach at 65 N. Robinson Road. The Guzman's lot was previously subdivided and they purchased their lot from the Guzmans. They do have an existing easement for the road with the Guzmans. He was at the hearing because he just wanted to get clarification on what the new lot was going to look like and what the power requirements were going to be because the Derkachs put in a larger transformer for a future shop which is still in the plans for their

property. They want to know what the process will be and if they will need to upgrade the transformer or (the Guzmans will) use a different power source for the new home. He would like to make sure the road is paved to eliminate any kind of dust in the future. Mr. Bukhantsov said they have an existing cross access easement agreement and it is already signed. They had to sign that before they could pull a building permit with the County a few years ago.

Rudy Guzman – Applicant (Representative) – REBUTTAL – 73 N. Robinson Road Nampa ID 83687

Mr. Guzman said he would be willing to track down the cross access easement agreement or make a new agreement towards the maintenance of the easement access.

MOTION: Hearing Examiner Eggleston closed public testimony on Case CR2022-0013.

DELIBERATION:

Hearing Examiner Eggleston said he concurs with the Finding of Facts 1 - 7. They are sufficient to direct the examination of the code and fulfillment of the recommendations. The Conclusions of Law, pages 1 – 4, he concurs with them as proposed. They are adequate to substantiate a recommendation of the conditional rezone from Rural-Residential to CR-R-1.

DECISION: Hearing Examiner Eggleston recommended approval of Case CR2022-0013 including the Findings of Facts, Conclusions of Law and Conditions of Approval subject to the conditions of the Development Agreement with attachments A & B, forwarding the recommendation to the Board of Canyon County Commissioners. He recommended that they change the conditions on Attachment A to include that the road users' agreement is required prior to the lot split with a map showing the ingress and egress.

APPROVAL OF MINUTES:

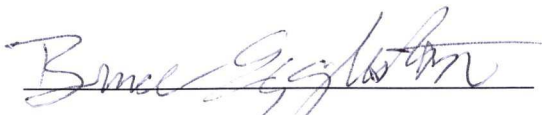
MOTION: Hearing Examiner Eggleston approved the minutes from January 18, 2023.

ADJOURNMENT:

HEARING EXAMINER Bruce Eggleston adjourned the meeting at 2:15 pm.

An audio recording is on file in the Development Services Departments' office.

Approved this 15th day of March, 2023


Bruce Eggleston, Hearing Examiner

ATTEST

Bonnie Puleo, Recording Secretary



Hearing Examiner – Staff Report Guzman – CR2022-0013

Hearing Date: February 15, 2023

Development Services Department

Owners/Applicant:

Otoniel & Lorena Guzman

Staff:

Madelyn Vander Veen,
Planning Tech

Lot Size:

R37939: 2.76 acres

Curent Zone : "A"

(Agricultural)

2020 Comprehensive Plan

Future Land Use

Designation: Residential

Impact Area: Nampa

Applicable Zoning Land Use

Regulations: CCZO §07-06-07, §07-10-25, §07-10-03

Notification:

7/5/2022 – Agencies/Full
Political/JEPA
1/27/2023 – Property Owners
1/29/2023 – Newspaper
2/6/2023 – Posting

Exhibits:

1. Draft FCOs w/
Attachment A & B:
Development Agreement
Conditions
2. Letter of Intent/ Site Plan
/Land Use Worksheet
3. Neighborhood Meeting
4. **Maps**
 - a. Small Aerial
 - b. Vicinity
 - c. Zoning
 - d. Subdivisions & Lot Report
 - e. Soils and Prime Farmland
 - f. Future Land Use
 - g. Lot Classification
 - h. Nitrate Priority Area
 - i. Case Map & Report
5. **Agency Comments**
 - a. Nampa Highway District
 - b. Nampa Planning &
Zoning/Nampa
Engineering

Request

The applicant, Otoniel Guzman, is requesting a conditional rezone of Parcel R27939 from a "R-R" (Rural Residential) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel. The 2.76-acre property is located at 73 N Robinson Road, Nampa; also referenced as a portion of the SE¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho.

Background

The subject parcel, approximately 2.76 acres, was created via administrative land division in 2017 (AD2017-81). If approved, owner will proceed with an administrative land division application to divide the parcel into two (2) parcels, each being at least 1 acre minimum.



Applicable Standards and Regulations

Pursuant to CCZO §07-06-07(6)A, the request is required to meet the following criteria:

1. Is the proposed conditional rezone generally consistent with the comprehensive plan;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;

6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Analysis

The applicant is requesting a conditional rezone of the subject parcel from "R-R" (Rural Residential) to "CR-R-1" (Conditional Rezone – Single-Family Residential). As part of the request the applicant agrees to a development agreement with conditions that restricts further development beyond two (2) parcels. The existing house and outbuildings will remain together on one parcel. There is one structure which will be required to be demolished prior to approval of the land division on the current parcel.

Pursuant to CCZO §07-10-25(2), the purpose of the “R-R” (Rural Residential) zone is “*to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable*”.

Pursuant to CCZO §07-10-25(3), the purpose of the “R-1” (Single-Family Residential) zone is “*to promote and enhance predominantly single-family living areas at a low density standard*”.

Surrounding Land Use/Character

Existing Conditions within approximately 1 mile.		Primary Zone	Other Zones
N	Parcel R27938 directly to the north is 6 acres, other parcels range in size but are generally 0.5-3 acres.	R-R	R-1, CR-R1
E	Larger agricultural parcels, subdivision with parcels under 1 acre, old gravel pit. Ada County border is approximately 1 mile away.	A	R-1
S	0.5-6 acre residential parcels, larger agricultural parcels	R-R	A
W	Parcels are 1-4 acres in size. West of Pit Ln parcels are 0.5-2.5 acres in size. Nampa city limits are approximately 1 mile away.	R-R	R-1, R-2, M-1

A (Agricultural), R-R (Rural Residential), R-1 (Single-Family Residential), C-1 (Neighborhood Commercial), C-2 (Service Commercial), M-1 (Light Industrial), CR (Conditional Rezone)

Site Photos – Taken on February 8, 2023



Image 1: Taken on Robinson Rd facing west into the subject





Image 2: Taken on Robinson Rd facing north.



Image 3: Taken on Robinson Rd facing south.



Image 4: Taken at the entrance to the property facing north.





Image 5: Taken at the entrance to the property facing east.



Image 6: Taken at the entrance to the property facing south.



Image 7: Taken at the entrance to the property facing west.





Image 8: Taken in middle of parcel facing west into proposed building site.

Platted Subdivisions (Exhibit 4d)

There are 43 platted subdivisions within 1 mile of the request with a 1.25-acre average lot size. The oldest was platted in 1909 and the newest was platted in 2021. There is also 1 mobile home park, Stringers MHP, within 1 mile of the request.

Currently there are three (3) subdivision applications in process within 1 mile of the request:

- **Red Cow Fold:** Parcel R30588 located on Arabian Way.
- **DTH Subdivision:** Parcel R30461 located SE of the Stamm Ln & N Robinson Blvd intersection.
- **Victory Springs:** Parcel 30566 located west of the E Victory Rd & N Mc Dermott Rd intersection.

Soil and Farmland (Exhibit 4e)

Approximately 95% of the subject parcel has Class 4 soil (Moderately-Suited) and is not considered prime farmland.

The subject parcel appears to be surrounded primarily by residential uses, with some active agricultural uses being to the east of N Robinson Rd.

Access and Traffic

The property has frontage on N Robinson Road (minor arterial). The access point is shared with R27939010 and is located on that parcel. A Road Users Maintenance Agreement will be required prior to issuance of a building permit (Attachment A, Condition 2c). The applicant completed a land split application with Nampa Highway District. Nampa Highway District stated that no new direct access is allowed. A paved apron is required for the existing shared access prior to submittal of administrative land division (Attachment A, Condition 2d).

The result of the request creates one additional dwelling, which adds an estimated 9.52 average daily trips to Robinson Rd per CCZO §07-10-03, with the possibility for a secondary residence. As conditioned, the request is not anticipated to create traffic issues.

Facilities

Domestic Water and Sanitary Sewer

Parcel R27939 is served by individual septic system and well. The proposed new parcel will also be served by septic and well. Each parcel will remain at least one acre in size.

The site is located within a nitrate priority area. Wells within the area have been identified to have some nitrate issues (between 0.005-5.00mg/l). Idaho Department of Environmental Quality finds drinking water to be unsafe if nitrates exceed 10 parts per million (or 10 milligrams per liter (mg/l). Future development will be required to meet Idaho Department of Water Resources and Southwest District Health regarding the placement of an individual well and septic system.

Irrigation

According to the Land Use Worksheet provided by the applicant (Exhibit 2), the property is irrigated via well. Boise Project Board of Control was notified on July 5th and did not provide a comment. If approved through the administrative land division application process of dividing the parcel any water rights will be divided accordingly or each parcel shall use 0.5 acre from the domestic well in accordance with Idaho Law 42-111(a).

Essential Services

Nampa School District #131: The property is served by Endeavor Elementary School, East Valley Middle School and Columbia High School.

Canyon County Sheriff, Canyon County Ambulance, Nampa School District, and Nampa Fire District were notified about this request on July 5, 2022. No comments were received.

Comprehensive Plan

The subject property is designated as “residential” on the 2020 Canyon County Comprehensive Plan Future Land Use map (Exhibit 4f). The property is located within the Nampa city impact area, approximately 1 mile from city limits. It is designated as “Community Mixed Use” on Nampa’s 2040 Comprehensive Plan Future Land Use map.

Based on the conditions of the development agreement, the request meets the following goals and policies of the comprehensive plan:

- Property Rights Policy No. 1: *“No person shall be deprived of private property without due process of law.”*
- Economic Development Policy No. 6: *“Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.”*
- Land Use Goal No. 2: *“To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area.”*
- Land Use Goal No. 5: *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”*
- Land Use Policy No. 1: *“Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.”*
- Land Use Policy No. 2: *“Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.”*
- Land Use Goal No. 6: *“Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.”*
- Housing Policy No. 1: *“Encourage a variety of housing choices that meet the needs of families, various age groups and incomes.”*
- Public Services, Facilities and Utilities Policy No. 3: *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”*

Potential Impacts

- The request adds additional wells and septic systems within a nitrate priority area.

- Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of an individual well and septic system.
- The request may promote “R-1” zoning and development adjacent to active agricultural properties that are still zoned “A” (Agricultural).
 - Pursuant to CCZO §07-06-07(3), Conditional Rezoning Designation: *Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone" shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat in accordance with this chapter before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel as CR shall not constitute "spot" zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.*

Due to the area still being a mix of agricultural and residential development, the request does not meet the following goals and policies of the comprehensive plan:

- Land Use – Agricultural Policy No. 1: Encourage the protection of agricultural land for the production of food.
- Agriculture Goal No. 3: Protect agricultural lands and land uses from incompatible development.

Comments

Public Comments

No comments were received from the public regarding the request at the time of drafting the staff report.

Agency Comments

- Nampa Highway District (Exhibit 5a): Sent the land split application which recommends approval subject to no new access and requiring a paved apron for the shared access (Condition 2b, 2d).
- Nampa Planning & Zoning (Exhibit 5b): States that the city’s future land use designation may change from Community Mixed Use to Residential Mixed Use, which has a maximum lot size of 12,000 sq. ft.. They do not support the application because it does not fit that lot size requirement.
- Nampa Engineering Division (Exhibit 5b): States that Robinson Rd is a Principle Arterial with a planned 100’ right of way width. City services are not presently available to the property.

Decision Options:

- The Hearing Examiner may **recommend approval** of the conditional rezone; or
- The Hearing Examiner may **recommend denial** of the conditional rezone and direct staff to make findings of fact to support the denial; or
- The Hearing Examiner may **continue the discussion** and request additional information on specific.

Recommendation

Staff recommends the Hearing Examiner open a public hearing and discuss Case No. CR2022-0013.

Staff recommends that the Hearing Examiner **recommend approval** of the request subject to conditions of the development agreement (Exhibit 1, Attachment A) to the Board of County Commissioners.



Findings of Fact, Conclusions of Law, and Order

Conditional Rezone – CR2022-0013

Findings of Fact

1. The applicant, Otoniel Guzman, is requesting a conditional rezone of Parcel R27939 from a “R-R” (Rural Residential) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel. The 2.76-acre property is located at 73 N Robinson Road, Nampa; also referenced as a portion of the SE¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho.
2. The subject property is designated as “residential” on the 2020 Canyon County Future Land Use Map.
3. The subject property is located within the Nampa city impact area.
4. The subject property is located within Nampa Highway District, Nampa Fire District, and Nampa School District.
5. The neighborhood meeting was held March 5, 2022 pursuant to CCZO §07-01-15.
6. Notice of the public hearing was provided as per CCZO §07-05-01: Affected agencies were notified on July 5, 2022. Full political & JEPA notice was sent July 5, 2022. Property owners within 600 ft. were notified by mail on January 27, 2023. Newspaper notice was published on January 29, 2023. The property was posted on February 6, 2023.
7. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on February 15, 2023 and all information contained in DSD case file, CR2022-0013.

Conclusions of Law

For this request, the Hearing Examiner finds and concludes the following regarding the Standards of Review for a Conditional Rezone (§07-06-07(6)):

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The property is designated as “residential” on the Future land use map within the 2020 Canyon County Comprehensive Plan. The request is generally consistent with the following policies and goals of the 2020 Canyon County Comprehensive Plan:

- Property Rights Policy No. 1: “No person shall be deprived of private property without due process of law.”
- Economic Development Policy No. 6: “Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.”
- Land Use Goal No. 2: “To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area.”
- Land Use Goal No. 5: “Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”

- Land Use Policy No. 1: *“Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.”*
- Land Use Policy No. 2: *“Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.”*
- Land Use Goal No. 6: *“Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.”*
- Housing Policy No. 1: *“Encourage a variety of housing choices that meet the needs of families, various age groups and incomes.”*
- Public Services, Facilities and Utilities Policy No. 3: *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”*

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: As conditioned, the request is more appropriate than the current zoning designation and is consistent with the future land use map designation of residential.

Finding: The area is predominately zoned “R-R” (Rural Residential) and “A” (Agricultural). Pursuant to CCZO §07-10-25(1), the purpose of the “A” (Agricultural) zone is:

- A. *Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. *Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. *Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. *Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. *Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*

Pursuant to CCZO §07-10-25(2), the purpose of the “R-R” (Rural Residential) zone is *“to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable”*.

Pursuant to CCZO §07-10-25(3), the purpose of the “R-1” (Single-Family Residential) zone is *“to promote and enhance predominantly single-family living areas at a low density standard”*.

The nearest similar zone is approximately 825 feet southwest from the property. The parcel and surrounding parcels to the north, south, and west are zoned “R-R” (Rural-Residential). These parcels were part of a mass rezone, so many of them are below the 2-acre minimum lot size required by the zone. Larger parcels zoned “A” (Agricultural) are located directly to the east. The average lot size of parcels within 600 feet is 2.58 acres.

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Finding: The subject parcel is surrounded by active agricultural and residential uses. Residential uses are located directly to the north, west, south, and further to the east with parcels ranging from approximately 0.5-6 acres. Nampa city limits are approximately 1 mile to the west, and the Ada County border is approximately 1 mile to the east. Agricultural uses are located directly to the east and further to the south. The average lot size of parcels within 600 feet is 2.58 acres.

There are 43 platted subdivisions within a one-mile radius of the request with an average lot size of 1.25 acres. Currently there are three (3) subdivisions within the platting stages. As conditioned, the request will create a 1.38-acre average lot size. The 1-acre and 1.75-acre parcels proposed are similar to parcel sizes divided by land division and subdivisions in the area.

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned, the request will not negatively affect the character of the area.

Finding: There are 43 platted subdivisions within a one-mile radius from the subject property with a 1.25-acre average lot size. As conditioned, the request will create a 1.38-acre average lot size. The 1-acre and 1.75-acre parcels proposed are similar to parcel sizes divided by land division and subdivisions in the area.

A total of two (2) parcels will be allowed to be created via administrative land division (Attachment A, Condition 2a). One parcel will contain the existing dwelling and outbuildings. There is one structure which will be required to be demolished prior to approval of the land division on the current parcel. The result of the request creates one (1) additional dwelling, with the possibility of a secondary dwelling.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the request at the time of land division and development.

Finding: Future development will require domestic wells and septic systems. Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of an individual well and septic system.

If approved through the administrative land division application process of dividing the parcel any water rights will be divided accordingly or each parcel shall use 0.5 acre from the domestic well in accordance with Idaho Law 42-111(a).

F. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property has legal access and must meet requirements at time of development to maintain legal access.

Finding: The property has frontage and existing access from Robinson Road, a minor arterial. It has access through an easement on parcel R27939010, as required by Nampa Highway District. Future access will be required to meet CCZO §07-10-03. A Road Users'

Maintenance Agreement will be required prior to issuance of a building permit (Attachment A, Condition 2c). A paved apron is required for the existing shared access prior to submittal of administrative land division (Attachment A, Condition 2d).

G. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: As conditioned (Attachment A), the request will not cause undue interference with existing or future traffic patterns as proposed.

Finding: Nampa Highway District and Nampa Engineering Division did not indicate a need for public street improvements. As conditioned by the development agreement, a total of two (2) parcels will be allowed to be created via administrative land division. The result of the request creates one additional dwelling (a total of 9.52 average daily trips), with the possibility of a secondary residence. As conditioned, the request is not anticipated to create traffic issues.

H. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: As conditioned (Attachment A), the request is not anticipated to impact essential services. The subject parcel is located approximately one mile west of Nampa city limits. The property will be served by Endeavor Elementary School, East Valley Middle School and Columbia High School. Canyon County Ambulance, Nampa School District, Canyon County Sheriff, and Nampa Fire District were notified. No comments were received.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Hearing Examiner **recommends approval** of Case # CR2022-0013, a conditional rezone of Parcel R27939 from an “R-R” (Rural Residential) zone to an “CR-R-1” (Conditional Rezone – Single-Family Residential) zone subject to conditions of the development agreement (Attachment A & B).

APPROVED this _____ day of _____, 2023.

CANYON COUNTY HEARING EXAMINER

Bruce Eggelston, Hearing Examiner

State of Idaho)

SS

County of Canyon County)

On this _____ day of _____, in the year 2023 before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he(she) executed the same.

Notary: _____

My Commission Expires: _____

**ATTACHMENT A
DEVELOPMENT AGREEMENT CONDITIONS**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject parcel R27939, 2.76 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Division) of the Canyon County Zoning Ordinance in substantial compliance with the conceptual site plan (Attachment B) subject to the following restrictions:
 - a. Division of the subject parcel into more than two (2) parcels is prohibited.
 - b. The existing approach located on parcel R27939010 shall be used for both parcels.
 - c. A Road Users Maintenance Agreement is required prior to issuance of a building permit.
 - d. A paved apron for the existing shared access is required prior to submittal of administrative land division.
3. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification or improvements shall be approved in writing by the local Irrigation District.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. The right to farm act statement shall be disclosed on deeds to all future parcel owners.

**ATTACHMENT B
CONCEPTUAL SITE PLAN**



MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: <u>Otonel Guzman</u>
	MAILING ADDRESS: <u>73 N. Robinson Rd.</u>
	PHONE: <u>(208) 370-9945</u> EMAIL: <u>Guzmanlorena023@icloud.com</u>
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.	
Signature: <u>Lorena Guzman</u> Date: _____	

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: _____
	COMPANY NAME: _____
	MAILING ADDRESS: _____
	PHONE: _____ EMAIL: _____

SITE INFO	STREET ADDRESS: <u>73 N. Robinson Rd.</u>
	PARCEL #: <u>R27939</u> LOT SIZE/AREA: <u>2.76</u>
	LOT: _____ BLOCK: _____ SUBDIVISION: _____
	QUARTER: _____ SECTION: _____ TOWNSHIP: _____ RANGE: _____
	ZONING DISTRICT: <u>RR</u> FLOODZONE (YES/NO): _____

HEARING LEVEL APPS	<input checked="" type="checkbox"/> ADMIN CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input checked="" type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER _____		

CASE NUMBER: <u>CR 2022-0013</u>	DATE RECEIVED: <u>5/10/2022</u>
RECEIVED BY: <u>Sage</u>	APPLICATION FEE: <u>\$1,235.00</u> CK MO <input checked="" type="radio"/> CASH

Revised 1/3/21

Exhibit 2

We want to rezone the property
into a R1 zone.

73 N. Robinson Rd.
Nampa, Id 83686

Parcel B.
1.75 Ac

Parcel A
1.01 Acre-

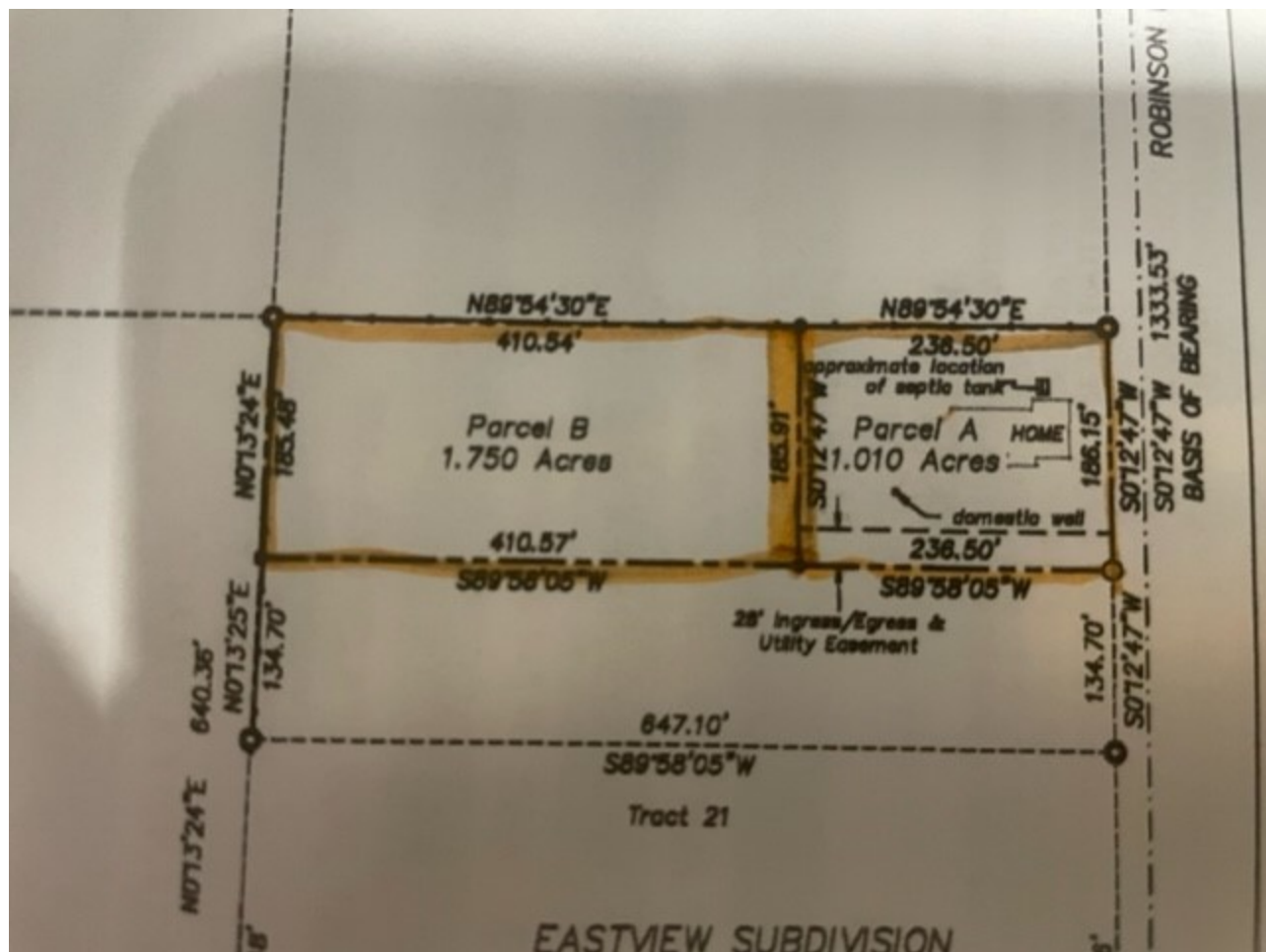
Lorena Gulman

Dear Madelyn VanderVeen,

The purpose of dividing the property is to leave the house with one acre & in the future make a home in the 1.73 acres. We would appreciate very much if you guys could help us with this plan. Please & thank you for your time.

Sincerely: Lorena Guzman

5/8/22



LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633



LAND USE WORKSHEET

Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☐ N/A – Explain why this is not applicable: _____

☐ How many Individual Domestic Wells are proposed? _____

2. SEWER (Wastewater) ☒ Individual Septic ☐ Centralized Sewer system

☐ N/A – Explain why this is not applicable: _____

3. IRRIGATION WATER PROVIDED VIA:

☐ Surface ☒ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION:

☐ Pressurized ☐ Gravity

5. ACCESS:

☐ Frontage ☐ Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:

☒ Public ☐ Private Road User's Maintenance Agreement Inst # _____

7. FENCING ☐ Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. STORMWATER: ☐ Retained on site ☐ Swales ☐ Ponds ☒ Borrow Ditches

☐ Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

Canals, _____

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- ☒ Residential 1 ☐ Commercial _____ ☐ Industrial _____
☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

- ☐ Water supply source: PUMP

3. INCLUDED IN YOUR PROPOSED PLAN?

- ☒ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

NON-RESIDENTIAL USES

1. SPECIFIC USE: _____

2. DAYS AND HOURS OF OPERATION:

- ☐ Monday _____ to _____
☐ Tuesday _____ to _____
☐ Wednesday _____ to _____
☐ Thursday _____ to _____
☐ Friday _____ to _____
☐ Saturday _____ to _____
☐ Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? ☐ Yes If so, how many? _____ ☐ No

4. WILL YOU HAVE A SIGN? ☐ Yes ☐ No ☐ Lighted ☐ Non-Lighted

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

What type of sign: _____ Wall _____ Freestanding _____ Other _____

5. PARKING AND LOADING:

How many parking spaces? _____

Is there is a loading or unloading area? _____

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: One

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building ☐ Kennel ☒ Individual Housing ☐ Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☒ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL

☒ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 73 N. Robinson RD	Parcel Number:	
City: Nampa	State: ID	ZIP Code: 83687
Notices Mailed Date:	Number of Acres: 1	Current Zoning: 2.76
Description of the Request:		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Otoniel Guzman		
Company Name:		
Current address: 73 N. Robinson RD		
City: Nampa	State: ID	ZIP Code: 83687
Phone: (208) 371-0389	Cell:	Fax:
Email: otonieldiaz48@gmail.com		

MEETING INFORMATION

DATE OF MEETING: 3/5/22	MEETING LOCATION: 73 N. Robinson RD	
MEETING START TIME: 10:00 am	MEETING END TIME: 10:10 am	
ATTENDEES: None		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Doniel Ezman

APPLICANT/REPRESENTATIVE (Signature): Doniel Ezman

DATE: 30 / 5 / 22

Notice of Neighborhood Meeting Conditional Use Permit Pre-application requirement for a Public Hearing

4 January 2022

Dear Neighbors,

We are in the process of submitting an application for a Conditional Use Permit (or variance, zoning ordinance map amendment, expansion or extension of nonconforming uses, etc.) to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit (or other case type) is applied.

The Neighborhood Meeting details are as follows:

Date: ~~15 January 2022~~ *march 5*
Time: ~~3pm~~ *10:Am*
Location: 73 N Robinson Rd.
Property description: Residential

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have. Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project. If you have any questions prior to the meeting, please contact me at (phone, email, written correspondence).

Sincerely,

Otoniel Guzman

11:44



Done Neighbor Notification...



KWBOISE
KELLER

103

Neighbor Notification Memo

31 August 2021

RE: 73 N Robinson Rd, Nampa, ID 83687

Owner: Otoniel Gusman

To Whom It May Concern:

We at 73 N Robinson Rd, Nampa, ID 83687 are planning to rezone our property. The purpose is to achieve 1 acre plots available for building of residential homes.

Your residence surrounding the property will not be affected by this change and any easements required will be on the owner's land. This is compatible with our surrounding area and residence because it does not incur and major changes to the neighborhood.

This letter serves as notification and is within zoning amendment compliance.

Signed,



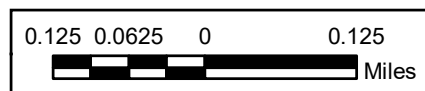
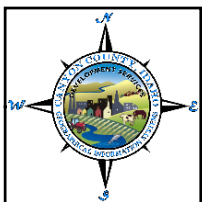
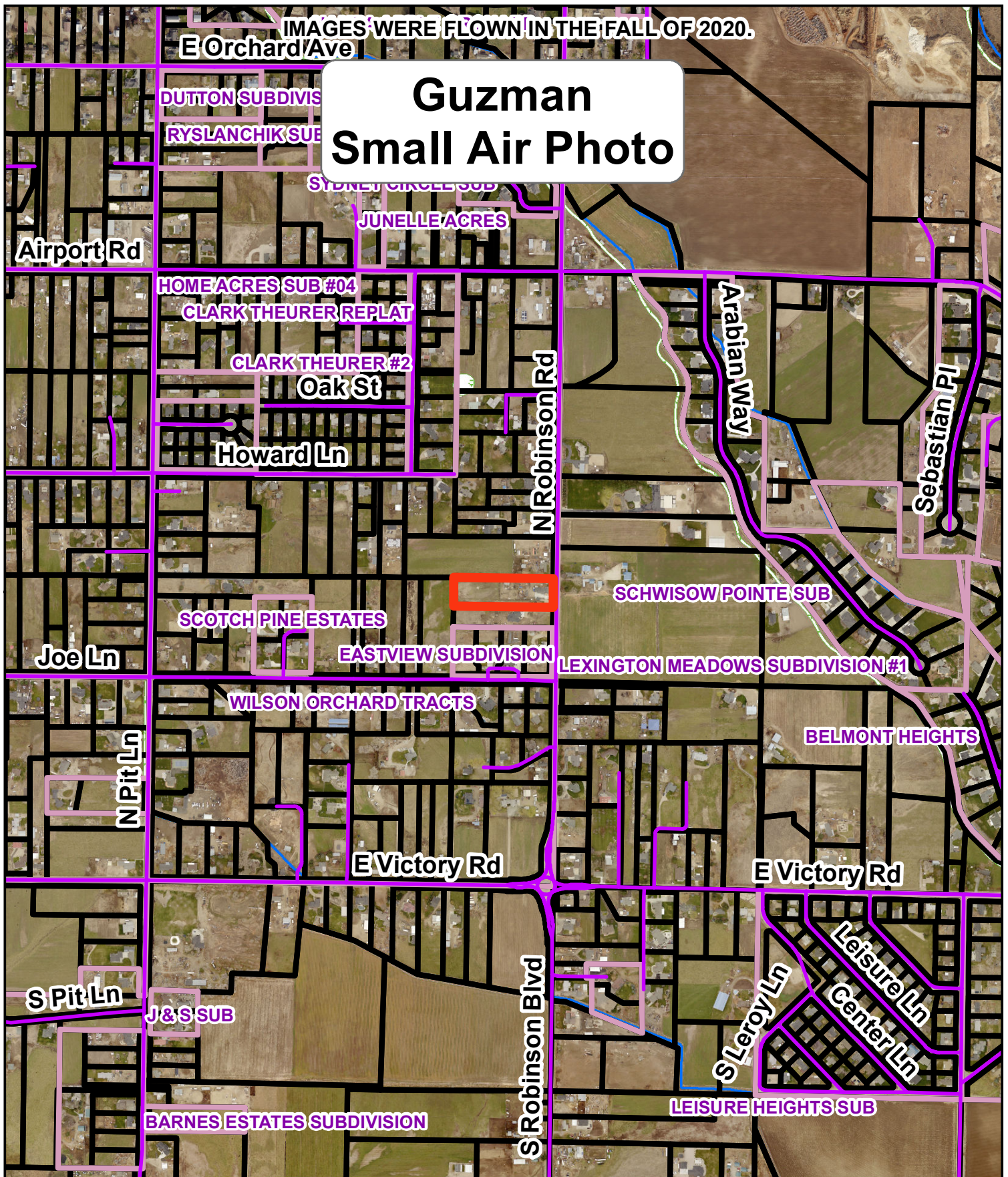
1065 S. Allante Place Boise, ID 83709
208.672.9000

103 N Robinson Rd

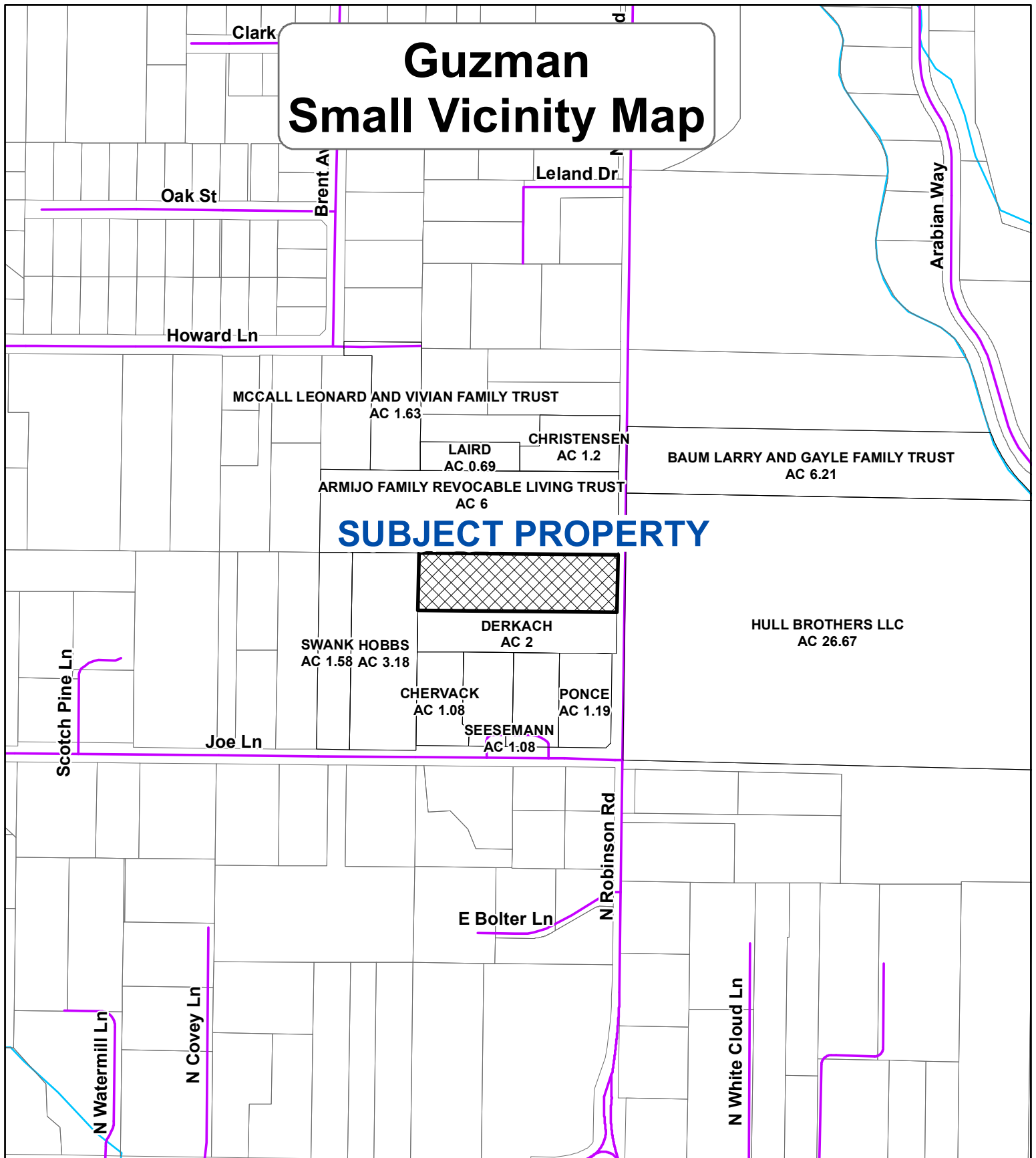
Each Office Independently Owned & Operated

IMAGES WERE FLOWN IN THE FALL OF 2020.

Guzman Small Air Photo



Guzman Small Vicinity Map



SUBJECT PROPERTY

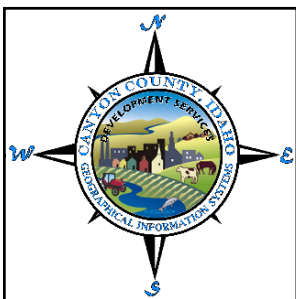
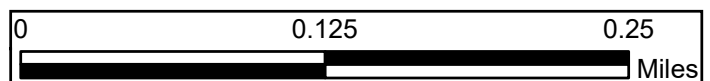
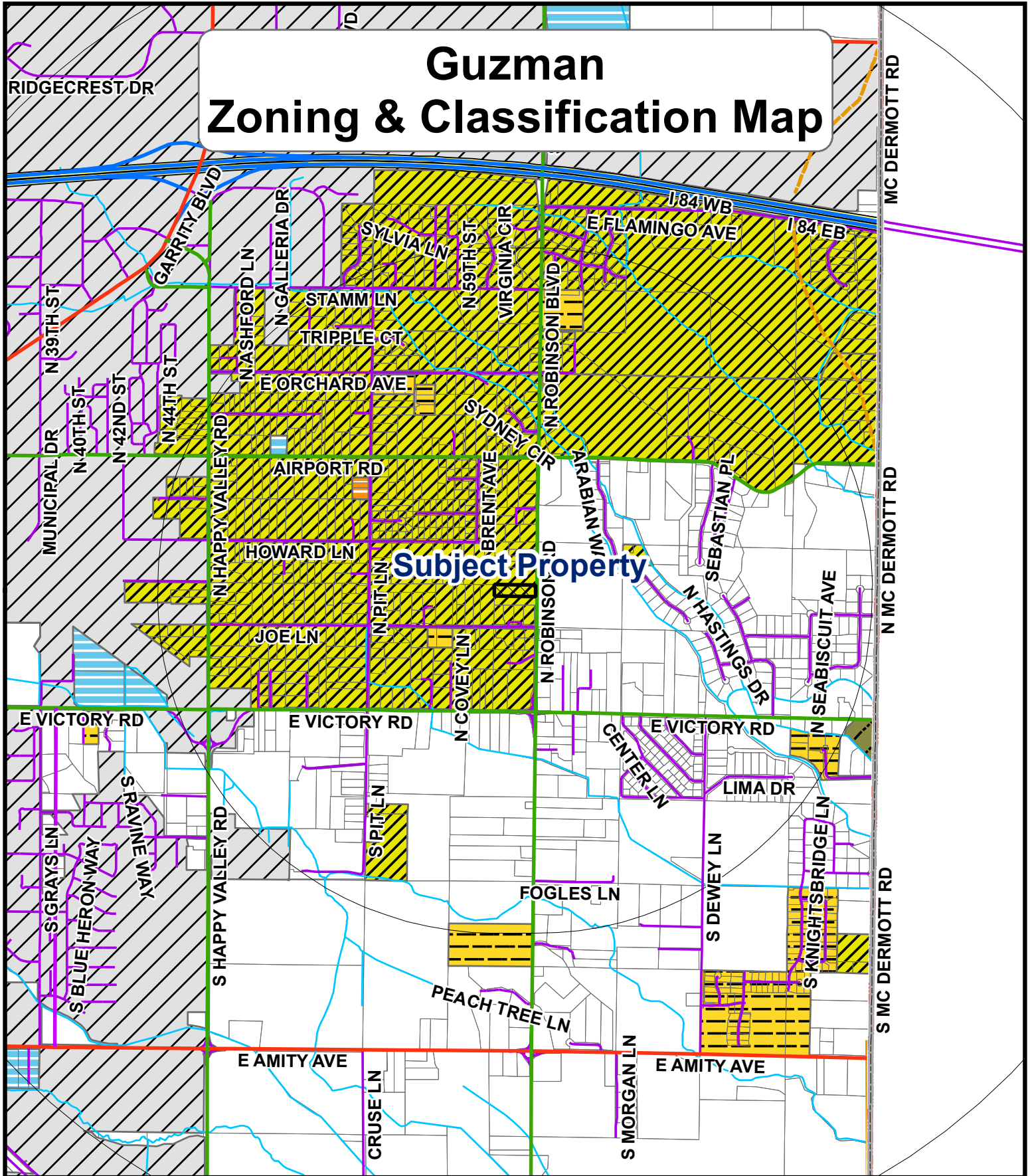


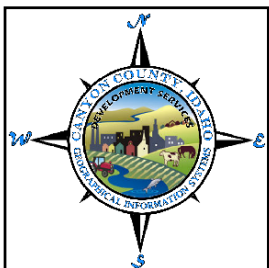
Exhibit 4b



Guzman Zoning & Classification Map



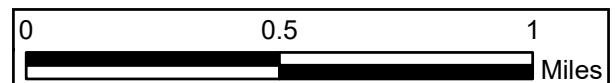
Subject Property



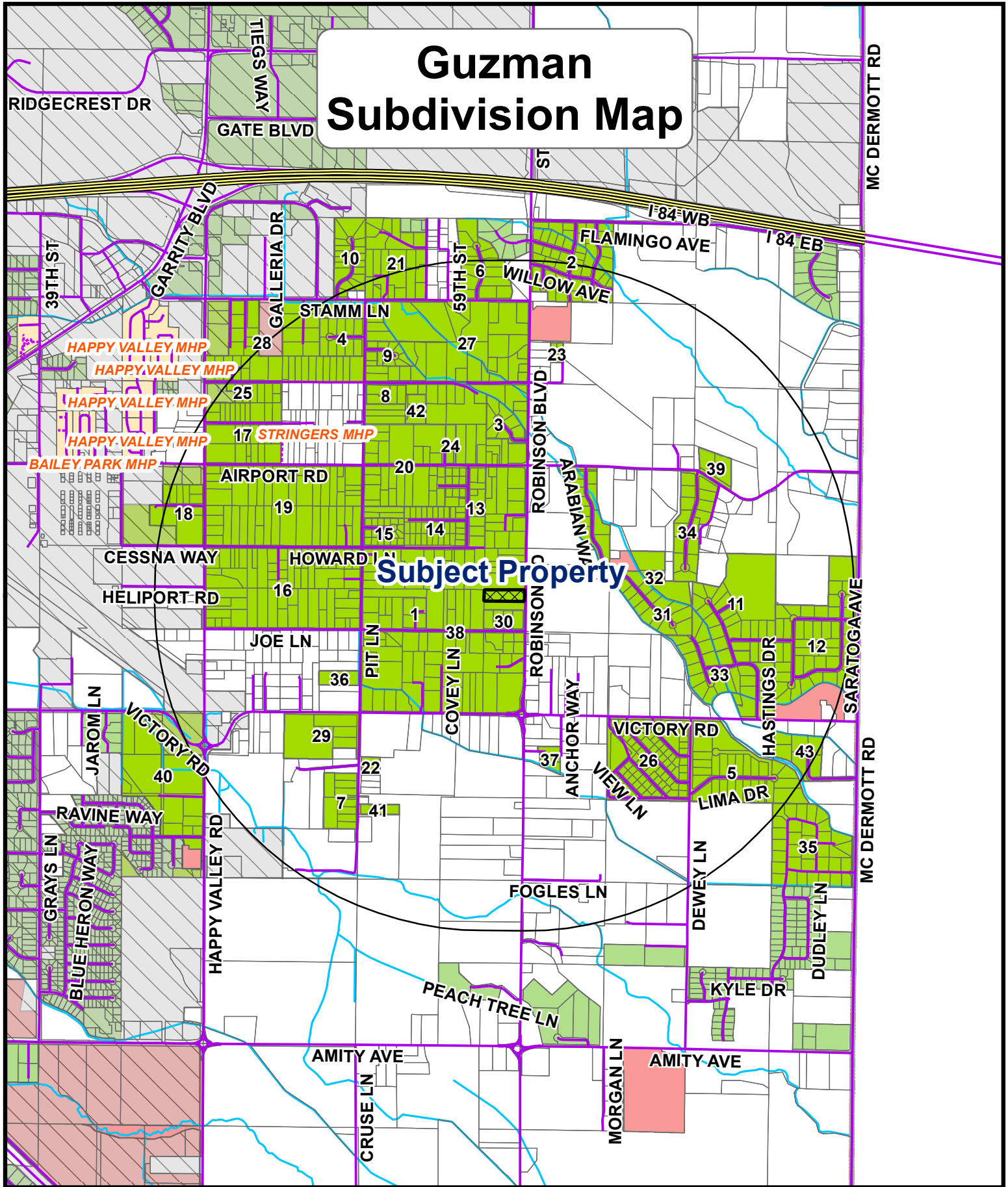
ZONING

	RR		R2		C2		M2
	CR-RR		C		CR-C2		AG
	R1		C1		M1		
	CR-R1		CR-C1		CR-M1		

Exhibit 4c

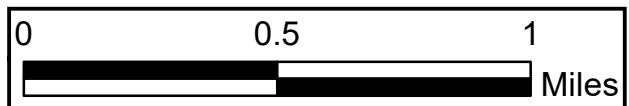


Guzman Subdivision Map



	MOBILE HOME PARKS1
	PrelimSubs
	SUBS

Exhibit 4d



SUBDIVISION & LOT REPORT

NUMBER OF SUBS		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
43		1218.70	975	1.25	
NUMBER OF SUBS IN PLATTING		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
4		28.97	86	0.34	
NUMBER OF LOTS NOTIFIED		AVERAGE	MEDIAN	MINIMUM	MAXIMUM
37		2.58	1.19	0.51	26.67
NUMBER OF MOBILE HOME PARKS		ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
1		1.40	6.00	4.00	4.00

PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
SCOTCH PINE ESTATES	1	3N1W19	4.20	4	1.05	COUNTY (Canyon)	2004
STAR CREST SUB	2	3N1W17	39.19	50	0.78	COUNTY (Canyon)	1970
SYDNEY CIRCLE SUB	3	3N1W19	7.40	9	0.82	COUNTY (Canyon)	2004
TRIPPLE ESTATES	4	3N1W18	10.03	25	0.40	COUNTY (Canyon)	1996
VICTORY HEIGHTS SUB	5	3N1W29	38.36	29	1.32	COUNTY (Canyon)	1970
VIRGINIA HILLS SUB	6	3N1W18	18.68	14	1.33	COUNTY (Canyon)	1993
WAR EAGLE MEADOWS	7	3N1W30	11.36	9	1.26	COUNTY (Canyon)	1997
DUTTON SUBDIVISION	8	3N1W19	4.73	4	1.18	COUNTY (Canyon)	2018
APPLE CREEK ESTATES	9	3N1W18	4.80	10	0.48	COUNTY (Canyon)	1993
AUTUMN WIND SUB	10	3N1W18	14.22	19	0.75	COUNTY (Canyon)	2001
BELMONT HEIGHTS #2	11	3N1W20	39.53	22	1.80	COUNTY (Canyon)	2002
BELMONT HEIGHTS #3	12	3N1W20	51.05	42	1.22	COUNTY (Canyon)	2004
CLARK THEURER REPLAT	13	3N1W19	9.49	11	0.86	COUNTY (Canyon)	1972
CLARK THEURER #2	14	3N1W19	20.03	45	0.45	COUNTY (Canyon)	1977
COUNTRY MEADOWS	15	3N1W19	6.69	19	0.35	COUNTY (Canyon)	1992
EAGLE HEIGHTS 1ST DIV	16	3N1W19	76.50	64	1.20	COUNTY (Canyon)	1909
HOME ACRES SUB #01	17	3N1W19	35.18	32	1.10	COUNTY (Canyon)	1940
HOME ACRES SUB #02	18	3N2W24	30.10	13	2.32	COUNTY (Canyon)	1940
HOME ACRES SUB #03	19	3N1W19	76.92	43	1.79	COUNTY (Canyon)	1942
HOME ACRES SUB #04	20	3N1W19	40.08	25	1.60	COUNTY (Canyon)	1942
HOME ACRES SUB #12	21	3N1W18	27.90	24	1.16	COUNTY (Canyon)	1943
J & S SUB	22	3N1W30	1.99	2	1.00	COUNTY (Canyon)	2004
JASPER PLACE	23	3N1W17	1.45	5	0.29	COUNTY (Canyon)	1999
JUNELLE ACRES	24	3N1W19	2.37	2	1.18	COUNTY (Canyon)	2000
LAST ORCHARD SUB	25	3N1W19	2.40	4	0.60	0	1986
LEISURE HEIGHTS SUB	26	3N1W29	40.70	78	0.52	COUNTY (Canyon)	1972
NAMPA APPLE ORCHARD	27	3N1W18	75.11	39	1.93	COUNTY (Canyon)	1915
ORCHALARA HEIGHTS	28	3N1W18	67.80	48	1.41	COUNTY (Canyon)	1910
WAYNE RUSSELL SUB	29	3N1W30	19.08	4	4.77	COUNTY (Canyon)	2005
EASTVIEW SUBDIVISION	30	3N1W19	4.76	4	1.19	COUNTY (Canyon)	2006
LEXINGTON MEADOWS SUBDIVISION #1	31	3N1W20	30.92	29	1.07	COUNTY (Canyon)	2006
SCHWISOW POINTE SUB	32	3N1W20	8.70	2	4.35	COUNTY (Canyon)	2005
BELMONT HEIGHTS	33	3N1W20	32.40	29	1.12	COUNTY (Canyon)	2001
JAIALDI ESTATES SUBDIVISION	34	3N1W20	18.36	14	1.31	COUNTY (Canyon)	2007
BRITTANIA HEIGHTS SUBDIVISION	35	3N1W29	35.86	34	1.05	COUNTY (Canyon)	2008
HILL AND PETTY ESTATES SUB	36	3N1W19	3.47	2	1.73	COUNTY (Canyon)	2005
WHISPERING PINES GLEN SUBDIVISION	37	3N1W29	2.92	2	1.46	COUNTY (Canyon)	2011
WILSON ORCHARD TRACTS	38	3N1W19	221.59	128	1.73	COUNTY (Canyon)	1917
TWO CLEGG SUBDIVISION	39	3N1W20	5.24	2	2.62	COUNTY (Canyon)	2019
NAMPA ORCHARD TRACTS	40	3N2W25	60.51	22	2.75	COUNTY (Canyon)	1909
BARNES ESTATES SUBDIVISION	41	3N1W30	2.39	1	2.39	COUNTY (Canyon)	2020
RYSLANCHIK SUBDIVISION	42	3N1W19	3.53	4	0.88	CANYON COUNTY	2021
WINDMILL RANCH SUBDIVISION	43	3N1W29	10.72	7	1.53	COUNTY (Canyon)	2022

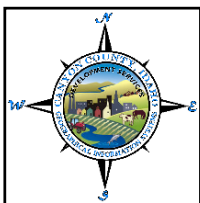
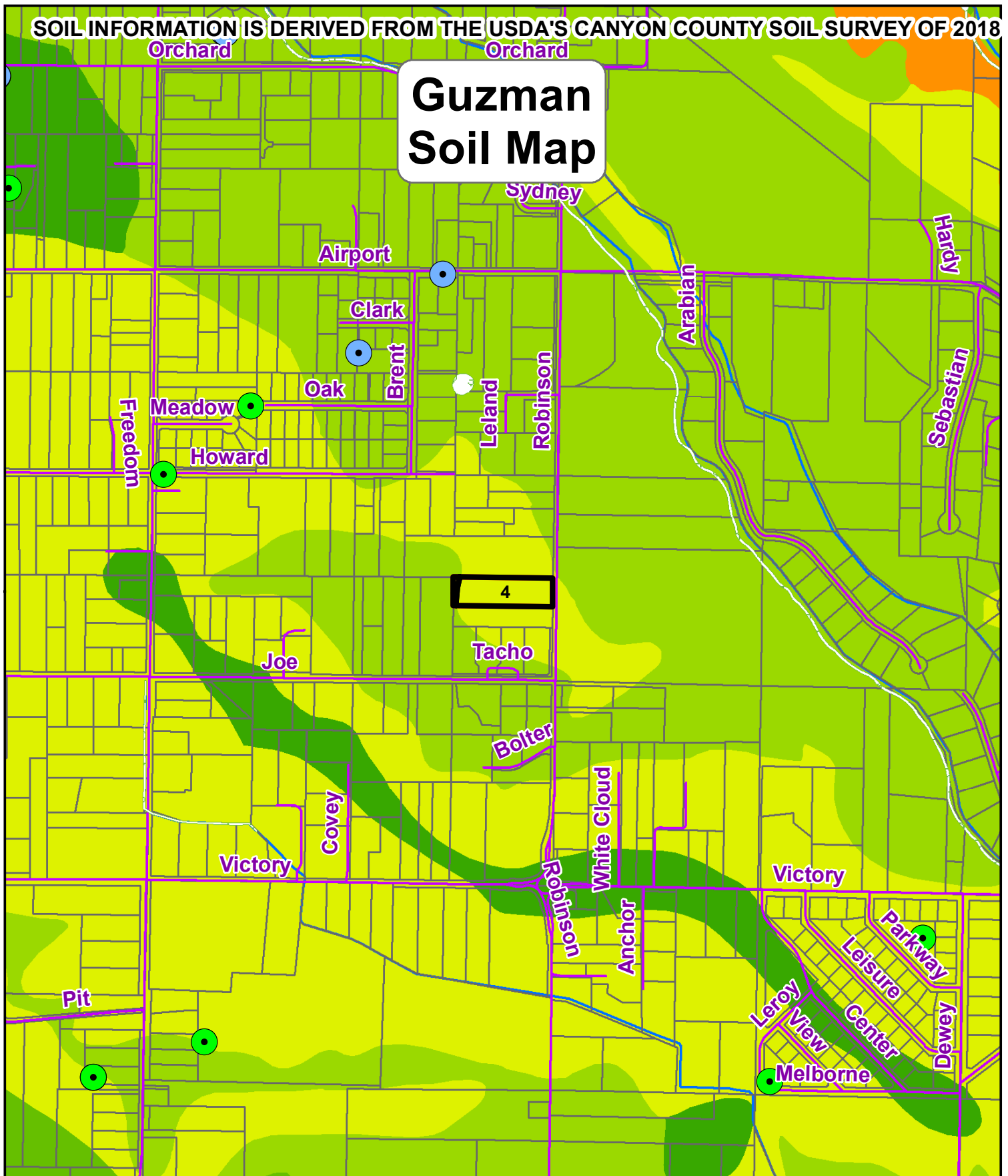
SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE			
Red Cow Fold	2.45	1	2.45			
Maple Leaf	7.79	58	0.13			
DTH Subdivision	8.58	7	1.23			
Victory Springs	10.15	20	0.51			

MOBILE HOME & RV PARKS

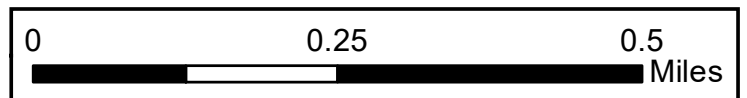
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...
Stringers MHP	5022 Airport Road	1.40	6	0.23	Canyon County

Guzman Soil Map



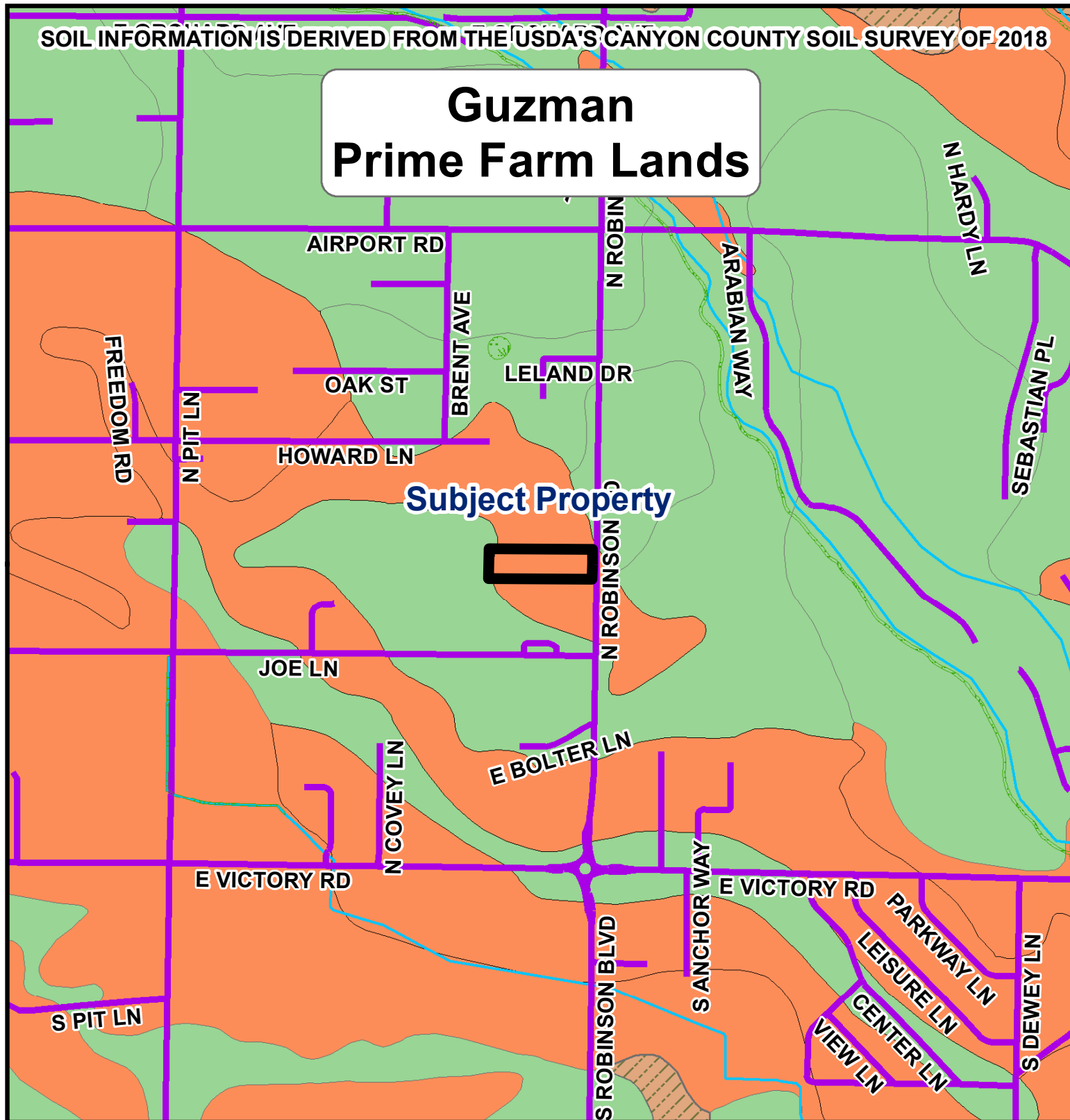
- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- ▲ 10.000001 - 49.800000

- GEO-THERMAL LOCATIONS
- Wetlands



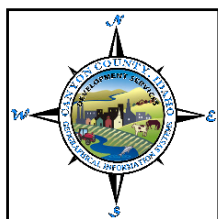
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Guzman Prime Farm Lands

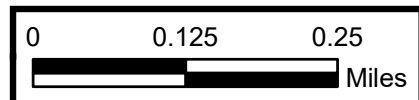


SOILS

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed



- TAXLOTS
- City_Limits
- WETLANDS
- 2C_Hydro



SOIL REPORT

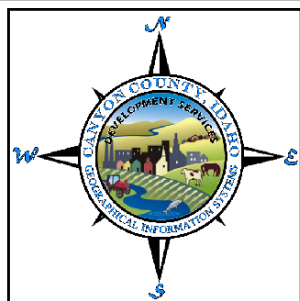
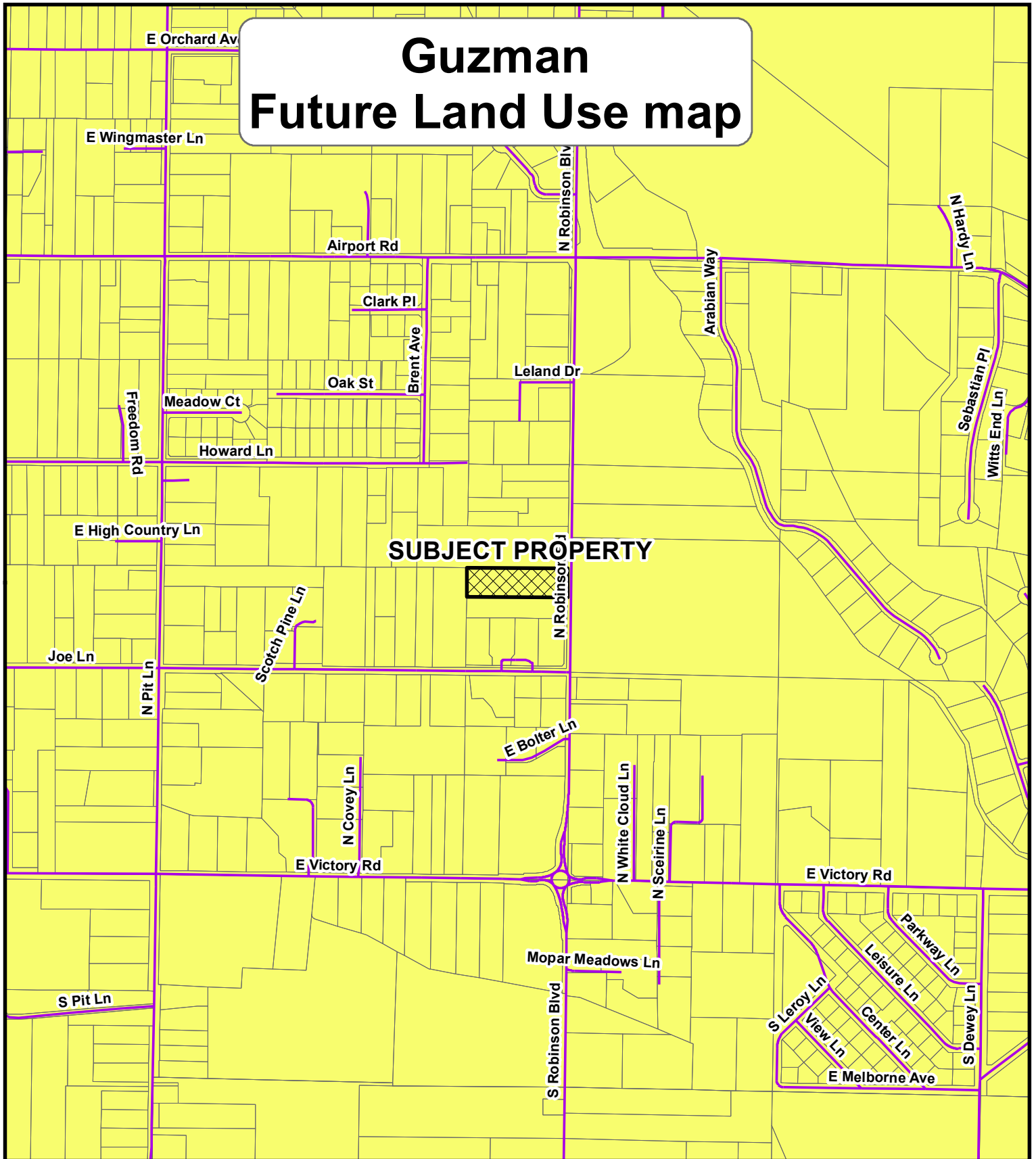
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	4922.28	0.11	4.09%
4	MODERATELY SUITED SOIL	115303.32	2.65	95.91%
		120225.60	2.76	100%

FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
EhB	Prime farmland if irrigated	4922.28	0.11	4.09%
EIC	Not prime farmland	115303.32	2.65	95.91%
		120225.60	2.76	100%

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018

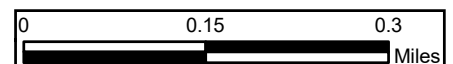
Guzman Future Land Use map



Legend

- Scenic_Byway
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

Exhibit 4f

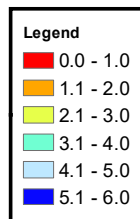



Guzman

Lot Classification Map

Subject Property

Map showing lot classifications (color-coded) and street names in the Guzman area. Key streets include Ridgecrest Dr, E GAT, N 39th St, N 40th St, N 42nd St, N 44th St, Municipal Dr, N Happy Valley Rd, Airport Rd, Howard Ln, Joe Ln, E Victory Rd, E Amity Ave, S Gray's Ln, S Blue Heron Way, S Ravine Way, S Happy Valley Rd, S Peach Tree Ln, S Cruse Ln, S Robinson Blvd, S Morgan Ln, S Dewey Ln, S Bristol Ln, S Knightsbridge Ln, S Seabiscuit Ave, N Robinson Blvd, N 59th St, N Virginia Cir, N Sydney Cir, N Arabian Wf, N Hastings Dr, N Sebastian Pl, N Flamingo Ave, E Flamingo Ave, I-84 WB, I-84 EB, S Mc Dermott Rd, and N Mc Dermott Rd.



-  Interstate
 Expressway
 Proposed Expressway
 Principal Arterial
 Proposed Principal Arterial
 Minor Arterial
 Proposed Minor Arterial
 Collector
 Proposed Collector

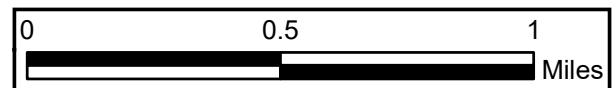
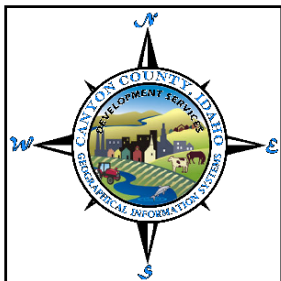
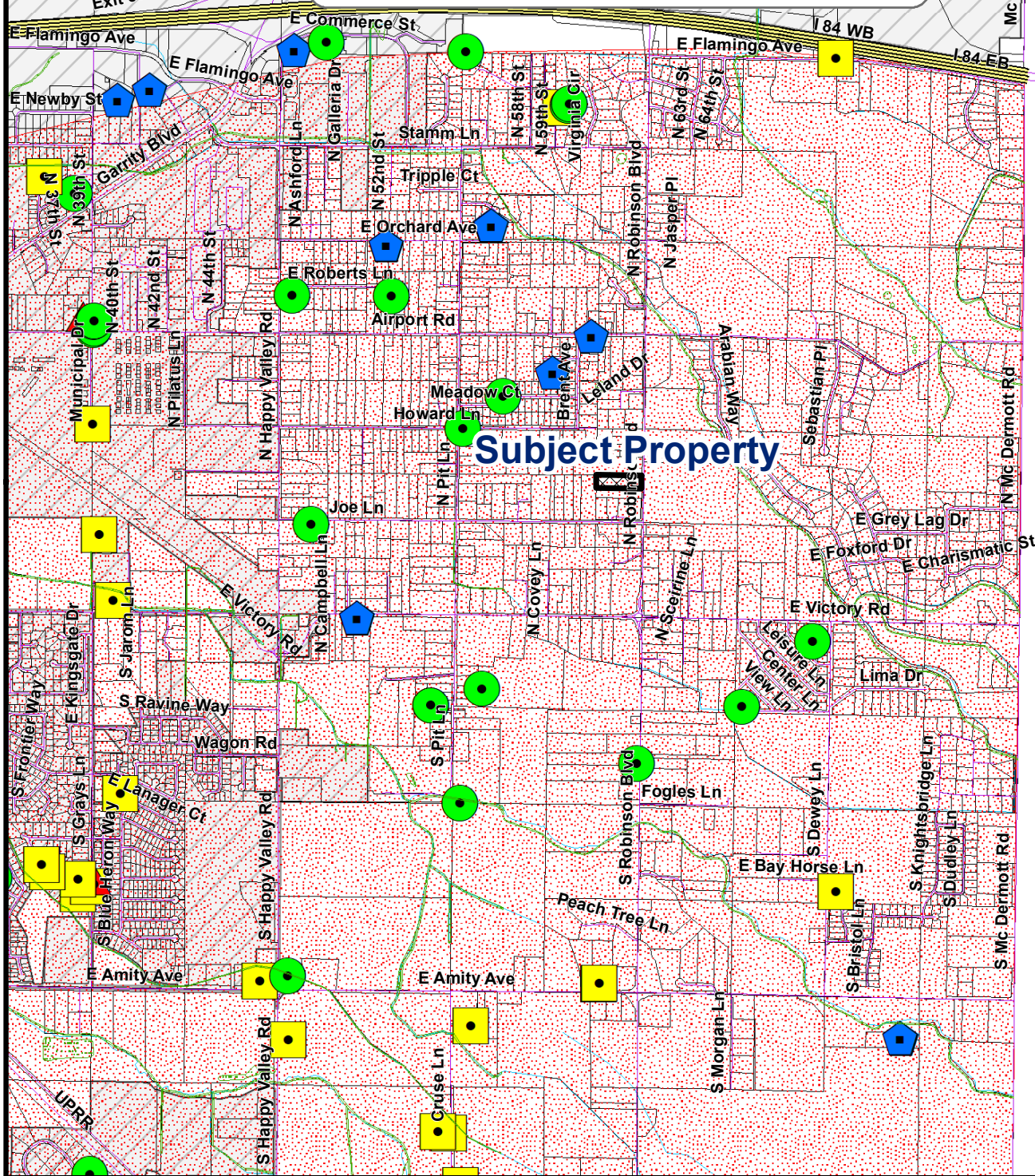


Exhibit 4g

NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ, NITRATE PRIORITY 2020.

Guzman Nitrate Priority & Wells



GEO-THERMAL LOCATIONS



WETLANDS



NITRATE_PRIORITY

DEQ WELLS
N03_MGL

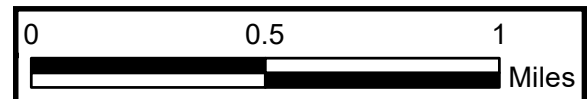
0.005 - 2.00

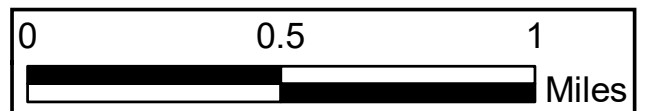
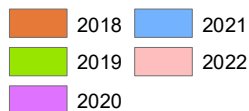
2.00 - 5.00

5.00 - 10.00

10.00 - 49.80

Exhibit 4h





CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	RZ-PH-2018-64	RR TO R1	Carter Estate	APPROVED
2	RZ2018-0027	Rezone RR to R1	Damyan	APPROVED
3	PH2016-51-APL	Temp Public Qasi Religious related events	Wat Idahoophoxaiyaraam Inc.	APPROVED
4	SD-PH2018-19	Dutton Subdivision	Dutton Subdivision	APPROVED
5	SD2018-0024	Two Clegg Subdivision	Two Clegg Subdivision	APPROVED
6	CR2019-0014	Cond Rezone AG to CR-RR	Barnes Jeff & Amy	APPROVED
7	ZV2019-0004	Variance	Robinson Daniel	APPROVED
8	SD2020-0012	Plat - Barnes Estates Sub	Barnes Estates Sub	APPROVED
9	SD2019-0053	Plat - Weatherby Estates	Weatherby Estates	APPROVED
10	RZ2020-0011	Rezone AG to R1	Travis Matthew	APPROVED
11	RZ2020-0018	Rezone AG to RR	Bruji Hans & Connie	APPROVED
12	SD2019-0030	Short Plat- 3 lots	Ryslanchik Sub	APPROVED
13	SD2021-0024	Sub Preliminary & Final Plat Approval	Windmill Ranch Sub	APPROVED
14	RZ2022-0008	Rezone AG to CR-R1	Carlton	APPROVED

Madelyn Vander Veen

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, July 5, 2022 2:08 PM
To: ZoningInfo
Subject: [External] FW: Agency Notice Guzman / CR2022-0013
Attachments: CR2022-0013.pdf; 20220407 Otoniel Guzman.pdf

Good Afternoon,

Mr. Guzman has submitted a Land Split Application to the Highway District. I have attached a copy of the Land Split Application that has our comments included.

If you have any questions feel free to contact us.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 12th Ave. Rd. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Tuesday, July 5, 2022 1:41 PM
To: Cortney Stauffer <cstauffer@nsd131.org>; Darlene Leon <dleon@nsd131.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; 'johnsonrl@cityofnampa.us' <johnsonrl@cityofnampa.us>; 'hoskinsb@cityofnampa.us' <hoskinsb@cityofnampa.us>; Eddy Thiel <eddy@nampahighway1.com>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'd3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; 'nmid@nmid.org' <nmid@nmid.org>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>
Subject: Agency Notice Guzman / CR2022-0013

Good afternoon;

Please see the attached agency notice. Please direct your comments or questions to the Canyon County Planning Department at zoninginfo@canyoncounty.id.gov

Thank you,



Bonnie Puleo

Sr. Administrative Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

(208) 454-6633 *fax*

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LAND SPLIT APPLICATION

NHD-003

Rev Jan 2015

Page 1 of 1

SECTION I - APPLICANT INFORMATION (TO BE COMPLETED BY APPLICANT)

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

TONIOL furman
NAME OF APPLICANT

Lorena Gorman
SIGNATURE OF APPLICANT

73 N Robinson Rd
ADDRESS

4/6/22
DATE

Nampa ID 83687
CITY STATE ZIP

208 370 9945
PHONE (CELL NUMBER PREFERRED)

ROAD NAME: Robinson BETWEEN JOC & Airport
FIRST CROSS STREET SECOND CROSS STREET

SIDE OF ROAD:

☐ North ☐ South☐ East ☒ West

TOTAL NUMBER OF:

New Lots: 1New Access Points: 0

PLATTED SUBDIVISION?

☒ No (attach sketch of proposed land split)☐ Yes (submit Conceptual Plan prepared by an Engineer)

SECTION II - WORKSHEET/RECOMMENDATION (TO BE COMPLETED BY HIGHWAY DISTRICT)

APPLICATION FEE: ☒ Paid ☐ Not Paid Cash85th PERCENTILE SPEED: 55 mphROAD NO. 116SIGHT DISTANCE: ☒ Sufficient ☐ InsufficientROAD SURFACE: ☒ Asphalt ☐ Gravel ☐ DirtTRAFFIC VOLUME: 3332 ADTSHARED ACCESS: ☒ Yes ☐ NoFUNCTIONAL CLASSIFICATION: ☒ Arterial☐ CollectorCULVERTS REQUIRED: ☐ Yes ☒ No☐ OtherMEETS ACCESS CONTROL STANDARDS?: ☒ Yes ☐ No

ADDITIONAL REMARKS/CONDITIONS: (IF NONE, SO STATE)

No new direct access is allowed. A paved apron is required for the shared access as it will serve 3 parcels per Standard Drawing #ACCHD-106

Robinson Rd is classified as a Minor Arterial. Per ACCHD Standards, no new direct access is allowed to Arterial Roadways

THIS LAND SPLIT IS:

☒ Recommended for approval,
subject to the above conditions☐ Not recommended

Edward Thiel
SIGNATURE - HIGHWAY DISTRICT OFFICIAL

4-7-22
DATE

LAIRD GARRELL RAND
81 N ROBINSON RD

CHRISTENSEN MARK CLIFTON
95 N ROBINSON RD

ARMIJO FAMILY REVOCABLE LIVING TRUST
79 N ROBINSON RD

GUZMAN OTONIEL
73 N ROBINSON RD

019

HOBBS GERALD R
6018 JOE LN

DERKACH VYACHESLAV
65 N ROBINSON RD

CHERVACK TATYANA
51 N TACHO PL

BUKHANTSOV IGOR
55 N TACHO PL

SESEMANN ANDREW D
51 N TACHO PL

PONGALYARO
59 N ROBINSON BLVD

HULL BROTHERS LLC
70 N ROBINSON RD

Robinson Rd

Shared Access

Madelyn Vander Veen

From: Doug Critchfield <critchfieldd@cityofnampa.us>
Sent: Thursday, July 7, 2022 10:48 AM
To: ZoningInfo
Cc: Caleb Laclair; Rodney Ashby
Subject: [External] RE: [External]Legal Notice Guzman / CR2022-0013

Comments from the City of Nampa Planning and Zoning Department:

The application for a conditional rezone to R-1 would allow the property at 73 N Robinson Rd. to be subdivided into 1+-acre lots. The current Nampa Comprehensive Plan Future Land Use Map designation for this parcel is 'Community Mixed Use'. A comprehensive plan change from 'Community Mixed Use' to 'Residential Mixed Use' will be brought to the Nampa Planning and Zoning Commission for their consideration in fall of this year. The maximum lot size in the 'Residential Mixed Use' designation is 12,000 square feet. Subdivision of this parcel into lots that are more than 12,000 square feet would be inconsistent with the future changes proposed for the Nampa Comprehensive Plan Future Land Use Map.

If the property is to be subdivided with City utility connections, a pre-annexation and utility agreement will be required along with any associated fees.

Because of the incongruence between the proposed zoning with a possible lot split and the current and proposed future land use designation for this parcel, Nampa Planning and Zoning does not support this application at this time.

Comments from the City of Nampa Engineering Division:

Robinson Rd is classified a Principal Arterial. The planned right-of-way width is 100', 50' half width from Section Line.

City utilities are not presently available to the property. The City's water system is approximately 2,000' north of the property in Airport Rd and 1,800' south of the property in E Victory Rd. The City's sewer system is approximately 1.8-miles to the west of the property.

From: Caleb Laclair <laclairc@cityofnampa.us>
Sent: Tuesday, July 5, 2022 5:32 PM
To: Doug Critchfield <critchfieldd@cityofnampa.us>
Subject: FW: [External]Legal Notice Guzman / CR2022-0013

Hi Doug,
Here are my comments if you can add to your response to the County.

1. Robinson Rd is classified a Principal Arterial. The planned right-of-way width is 100', 50' half width from Section Line.
2. City utilities are not presently available to the property. The City's water system is approximately 2,000' north of the property in Airport Rd and 1,800' south of the property in E Victory Rd. The City's sewer system is approximately 1.8-miles to the west of the property.

Thanks,

Caleb LaClair, P.E.

Assistant City Engineer, Engineering

O: 208.468.5422, C: 208.250.2679

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>

Sent: Tuesday, July 5, 2022 1:44 PM

To: Caleb Laclair <laclairc@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfieldd@cityofnampa.us>; Nathan Haveman <havemann@cityofnampa.us>; Char Tim <timc@cityofnampa.us>

Subject: [External]Legal Notice Guzman / CR2022-0013

Caution: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using your Phish Button or call the helpdesk at 208-468-5454

Dear Agency;

You are hereby notified, pursuant to the Joint Exercise of Power Agreement between the City of Nampa and Canyon County, that the Development Services Department has accepted the following application: CR2022-0013. Attached for your review is a copy of the letter of intent and a site plan. If you would like additional information please contact the Canyon County Planning Department at zoninginfo@canyoncounty.id.gov.

Thank you,



Bonnie Puleo

Sr. Administrative Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

(208) 454-6633 *fax*

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Madelyn Vander Veen

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Friday, March 3, 2023 10:19 AM
To: Madelyn Vander Veen
Cc: Bonnie Puleo
Subject: [External] RE: Agency Notice Guzman / CR2022-0013

Good Morning,

After careful review of the transmittal submitted to ITD on February 28, 2023 regarding Guzman / CR2022-0013, the Department has no comments or concerns to make at this time. Based on the distance, we anticipate minor to no impact to the state highways system.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Tuesday, February 28, 2023 10:29 AM
To: 'laclairc@cityofnampa.us' <laclairc@cityofnampa.us>; 'watkinsk@cityofnampa.us' <watkinsk@cityofnampa.us>; 'badgerd@cityofnampa.us' <badgerd@cityofnampa.us>; 'addressing@cityofnampa.us' <addressing@cityofnampa.us>; 'critchfielddd@cityofnampa.us' <critchfielddd@cityofnampa.us>; Nick Haveman <havemann@cityofnampa.us>; Char Tim <tmc@cityofnampa.us>; Cortney Stauffer <cstauffer@nsd131.org>; Darlene Leon <dleon@nsd131.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrd@phd3.idaho.gov>; Rob Johnson Nampa Fire <johnsonre@nampafire.org>; Nampa Rural Fire District <johnsonrl@nampafire.org>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; Boise Project Board of Control <tritthaler@boiseproject.org>; Gashley <gashley@boiseproject.org>; 'nmid@nmid.org' <nmid@nmid.org>; Erika Olvera <eolvera@nmid.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>
Subject: Agency Notice Guzman / CR2022-0013

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dear Agencies;

Please see the attached agency notice regarding the scheduled Board of County Commissioners' hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments received, they were included in the Staff review.
No response is required unless there is an update to your original comments.

Thank you,



Bonnie Puleo

Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

NEW public office hours **effective January 3, 2023**

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour****

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550



Brad Little, Governor
Jess Byrne, Director

March 10, 2023

Madelyn Vanderveen
Canyon County Development Services
111 North 11th Ave., Ste. 310
Caldwell, ID 83605
Madelyn.vanderveen@canyoncounty.id.gov

Subject: CR2022-0013, Guzman Conditional Rezone of Parcel R27939

Dear Ms. Vanderveen:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK



Hearing Examiner – Staff Report Guzman – CR2022-0013

Hearing Date: February 15, 2023

Development Services Department

Owners/Applicant:

Otoniel & Lorena Guzman

Staff:

Madelyn Vander Veen,
Planning Tech

Lot Size:

R37939: 2.76 acres

Curent Zone : "A"

(Agricultural)

2020 Comprehensive Plan

Future Land Use

Designation: Residential

Impact Area: Nampa

Applicable Zoning Land Use

Regulations: CCZO §07-06-07, §07-10-25, §07-10-03

Notification:

7/5/2022 – Agencies/Full
Political/JEPA
1/27/2023 – Property Owners
1/29/2023 – Newspaper
2/6/2023 – Posting

Exhibits:

1. Draft FCOs w/
Attachment A & B:
Development Agreement
Conditions
2. Letter of Intent/ Site Plan
/Land Use Worksheet
3. Neighborhood Meeting
4. **Maps**
 - a. Small Aerial
 - b. Vicinity
 - c. Zoning
 - d. Subdivisions & Lot Report
 - e. Soils and Prime Farmland
 - f. Future Land Use
 - g. Lot Classification
 - h. Nitrate Priority Area
 - i. Case Map & Report
5. **Agency Comments**
 - a. Nampa Highway District
 - b. Nampa Planning &
Zoning/Nampa
Engineering

Request

The applicant, Otoniel Guzman, is requesting a conditional rezone of Parcel R27939 from a "R-R" (Rural Residential) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel. The 2.76-acre property is located at 73 N Robinson Road, Nampa; also referenced as a portion of the SE¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho.

Background

The subject parcel, approximately 2.76 acres, was created via administrative land division in 2017 (AD2017-81). If approved, owner will proceed with an administrative land division application to divide the parcel into two (2) parcels, each being at least 1 acre minimum.



Applicable Standards and Regulations

Pursuant to CCZO §07-06-07(6)A, the request is required to meet the following criteria:

1. Is the proposed conditional rezone generally consistent with the comprehensive plan;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;

6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Analysis

The applicant is requesting a conditional rezone of the subject parcel from "R-R" (Rural Residential) to "CR-R-1" (Conditional Rezone – Single-Family Residential). As part of the request the applicant agrees to a development agreement with conditions that restricts further development beyond two (2) parcels. The existing house and outbuildings will remain together on one parcel. There is one structure which will be required to be demolished prior to approval of the land division on the current parcel.

Pursuant to CCZO §07-10-25(2), the purpose of the “R-R” (Rural Residential) zone is “*to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable*”.

Pursuant to CCZO §07-10-25(3), the purpose of the “R-1” (Single-Family Residential) zone is “*to promote and enhance predominantly single-family living areas at a low density standard*”.

Surrounding Land Use/Character

Existing Conditions within approximately 1 mile.		Primary Zone	Other Zones
N	Parcel R27938 directly to the north is 6 acres, other parcels range in size but are generally 0.5-3 acres.	R-R	R-1, CR-R1
E	Larger agricultural parcels, subdivision with parcels under 1 acre, old gravel pit. Ada County border is approximately 1 mile away.	A	R-1
S	0.5-6 acre residential parcels, larger agricultural parcels	R-R	A
W	Parcels are 1-4 acres in size. West of Pit Ln parcels are 0.5-2.5 acres in size. Nampa city limits are approximately 1 mile away.	R-R	R-1, R-2, M-1

A (Agricultural), R-R (Rural Residential), R-1 (Single-Family Residential), C-1 (Neighborhood Commercial), C-2 (Service Commercial), M-1 (Light Industrial), CR (Conditional Rezone)

Site Photos – Taken on February 8, 2023



Image 1: Taken on Robinson Rd facing west into the subject





Image 2: Taken on Robinson Rd facing north.



Image 3: Taken on Robinson Rd facing south.



Image 4: Taken at the entrance to the property facing north.





Image 5: Taken at the entrance to the property facing east.



Image 6: Taken at the entrance to the property facing south.



Image 7: Taken at the entrance to the property facing west.





Image 8: Taken in middle of parcel facing west into proposed building site.

Platted Subdivisions (Exhibit 4d)

There are 43 platted subdivisions within 1 mile of the request with a 1.25-acre average lot size. The oldest was platted in 1909 and the newest was platted in 2021. There is also 1 mobile home park, Stringers MHP, within 1 mile of the request.

Currently there are three (3) subdivision applications in process within 1 mile of the request:

- **Red Cow Fold:** Parcel R30588 located on Arabian Way.
- **DTH Subdivision:** Parcel R30461 located SE of the Stamm Ln & N Robinson Blvd intersection.
- **Victory Springs:** Parcel 30566 located west of the E Victory Rd & N Mc Dermott Rd intersection.

Soil and Farmland (Exhibit 4e)

Approximately 95% of the subject parcel has Class 4 soil (Moderately-Suited) and is not considered prime farmland.

The subject parcel appears to be surrounded primarily by residential uses, with some active agricultural uses being to the east of N Robinson Rd.

Access and Traffic

The property has frontage on N Robinson Road (minor arterial). The access point is shared with R27939010 and is located on that parcel. A Road Users Maintenance Agreement will be required prior to issuance of a building permit (Attachment A, Condition 2c). The applicant completed a land split application with Nampa Highway District. Nampa Highway District stated that no new direct access is allowed. A paved apron is required for the existing shared access prior to submittal of administrative land division (Attachment A, Condition 2d).

The result of the request creates one additional dwelling, which adds an estimated 9.52 average daily trips to Robinson Rd per CCZO §07-10-03, with the possibility for a secondary residence. As conditioned, the request is not anticipated to create traffic issues.

Facilities

Domestic Water and Sanitary Sewer

Parcel R27939 is served by individual septic system and well. The proposed new parcel will also be served by septic and well. Each parcel will remain at least one acre in size.

The site is located within a nitrate priority area. Wells within the area have been identified to have some nitrate issues (between 0.005-5.00mg/l). Idaho Department of Environmental Quality finds drinking water to be unsafe if nitrates exceed 10 parts per million (or 10 milligrams per liter (mg/l). Future development will be required to meet Idaho Department of Water Resources and Southwest District Health regarding the placement of an individual well and septic system.

Irrigation

According to the Land Use Worksheet provided by the applicant (Exhibit 2), the property is irrigated via well. Boise Project Board of Control was notified on July 5th and did not provide a comment. If approved through the administrative land division application process of dividing the parcel any water rights will be divided accordingly or each parcel shall use 0.5 acre from the domestic well in accordance with Idaho Law 42-111(a).

Essential Services

Nampa School District #131: The property is served by Endeavor Elementary School, East Valley Middle School and Columbia High School.

Canyon County Sheriff, Canyon County Ambulance, Nampa School District, and Nampa Fire District were notified about this request on July 5, 2022. No comments were received.

Comprehensive Plan

The subject property is designated as “residential” on the 2020 Canyon County Comprehensive Plan Future Land Use map (Exhibit 4f). The property is located within the Nampa city impact area, approximately 1 mile from city limits. It is designated as “Community Mixed Use” on Nampa’s 2040 Comprehensive Plan Future Land Use map.

Based on the conditions of the development agreement, the request meets the following goals and policies of the comprehensive plan:

- Property Rights Policy No. 1: *“No person shall be deprived of private property without due process of law.”*
- Economic Development Policy No. 6: *“Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.”*
- Land Use Goal No. 2: *“To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area.”*
- Land Use Goal No. 5: *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”*
- Land Use Policy No. 1: *“Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.”*
- Land Use Policy No. 2: *“Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.”*
- Land Use Goal No. 6: *“Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.”*
- Housing Policy No. 1: *“Encourage a variety of housing choices that meet the needs of families, various age groups and incomes.”*
- Public Services, Facilities and Utilities Policy No. 3: *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”*

Potential Impacts

- The request adds additional wells and septic systems within a nitrate priority area.

- Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of an individual well and septic system.
- The request may promote “R-1” zoning and development adjacent to active agricultural properties that are still zoned “A” (Agricultural).
 - Pursuant to CCZO §07-06-07(3), Conditional Rezoning Designation: *Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone" shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat in accordance with this chapter before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel as CR shall not constitute "spot" zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.*

Due to the area still being a mix of agricultural and residential development, the request does not meet the following goals and policies of the comprehensive plan:

- Land Use – Agricultural Policy No. 1: Encourage the protection of agricultural land for the production of food.
- Agriculture Goal No. 3: Protect agricultural lands and land uses from incompatible development.

Comments

Public Comments

No comments were received from the public regarding the request at the time of drafting the staff report.

Agency Comments

- Nampa Highway District (Exhibit 5a): Sent the land split application which recommends approval subject to no new access and requiring a paved apron for the shared access (Condition 2b, 2d).
- Nampa Planning & Zoning (Exhibit 5b): States that the city’s future land use designation may change from Community Mixed Use to Residential Mixed Use, which has a maximum lot size of 12,000 sq. ft.. They do not support the application because it does not fit that lot size requirement.
- Nampa Engineering Division (Exhibit 5b): States that Robinson Rd is a Principle Arterial with a planned 100’ right of way width. City services are not presently available to the property.

Decision Options:

- The Hearing Examiner may **recommend approval** of the conditional rezone; or
- The Hearing Examiner may **recommend denial** of the conditional rezone and direct staff to make findings of fact to support the denial; or
- The Hearing Examiner may **continue the discussion** and request additional information on specific.

Recommendation

Staff recommends the Hearing Examiner open a public hearing and discuss Case No. CR2022-0013.

Staff recommends that the Hearing Examiner **recommend approval** of the request subject to conditions of the development agreement (Exhibit 1, Attachment A) to the Board of County Commissioners.



Findings of Fact, Conclusions of Law, and Order

Conditional Rezone – CR2022-0013

Findings of Fact

1. The applicant, Otoniel Guzman, is requesting a conditional rezone of Parcel R27939 from a “R-R” (Rural Residential) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel. The 2.76-acre property is located at 73 N Robinson Road, Nampa; also referenced as a portion of the SE¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho.
2. The subject property is designated as “residential” on the 2020 Canyon County Future Land Use Map.
3. The subject property is located within the Nampa city impact area.
4. The subject property is located within Nampa Highway District, Nampa Fire District, and Nampa School District.
5. The neighborhood meeting was held March 5, 2022 pursuant to CCZO §07-01-15.
6. Notice of the public hearing was provided as per CCZO §07-05-01: Affected agencies were notified on July 5, 2022. Full political & JEPA notice was sent July 5, 2022. Property owners within 600 ft. were notified by mail on January 27, 2023. Newspaper notice was published on January 29, 2023. The property was posted on February 6, 2023.
7. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on February 15, 2023 and all information contained in DSD case file, CR2022-0013.

Conclusions of Law

For this request, the Hearing Examiner finds and concludes the following regarding the Standards of Review for a Conditional Rezone (§07-06-07(6)):

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The property is designated as “residential” on the Future land use map within the 2020 Canyon County Comprehensive Plan. The request is generally consistent with the following policies and goals of the 2020 Canyon County Comprehensive Plan:

- Property Rights Policy No. 1: “No person shall be deprived of private property without due process of law.”
- Economic Development Policy No. 6: “Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.”
- Land Use Goal No. 2: “To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area.”
- Land Use Goal No. 5: “Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”

- Land Use Policy No. 1: “Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.”
- Land Use Policy No. 2: “Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.”
- Land Use Goal No. 6: “Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.”
- Housing Policy No. 1: “Encourage a variety of housing choices that meet the needs of families, various age groups and incomes.”
- Public Services, Facilities and Utilities Policy No. 3: “Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: As conditioned, the request is more appropriate than the current zoning designation and is consistent with the future land use map designation of residential.

Finding: The area is predominately zoned “R-R” (Rural Residential) and “A” (Agricultural). Pursuant to CCZO §07-10-25(1), the purpose of the “A” (Agricultural) zone is:

- A. *Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. *Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. *Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. *Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. *Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*

Pursuant to CCZO §07-10-25(2), the purpose of the “R-R” (Rural Residential) zone is “to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable”.

Pursuant to CCZO §07-10-25(3), the purpose of the “R-1” (Single-Family Residential) zone is “to promote and enhance predominantly single-family living areas at a low density standard”.

The nearest similar zone is approximately 825 feet southwest from the property. The parcel and surrounding parcels to the north, south, and west are zoned “R-R” (Rural-Residential). These parcels were part of a mass rezone, so many of them are below the 2-acre minimum lot size required by the zone. Larger parcels zoned “A” (Agricultural) are located directly to the east. The average lot size of parcels within 600 feet is 2.58 acres.

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Finding: The subject parcel is surrounded by active agricultural and residential uses. Residential uses are located directly to the north, west, south, and further to the east with parcels ranging from approximately 0.5-6 acres. Nampa city limits are approximately 1 mile to the west, and the Ada County border is approximately 1 mile to the east. Agricultural uses are located directly to the east and further to the south. The average lot size of parcels within 600 feet is 2.58 acres.

There are 43 platted subdivisions within a one-mile radius of the request with an average lot size of 1.25 acres. Currently there are three (3) subdivisions within the platting stages. As conditioned, the request will create a 1.38-acre average lot size. The 1-acre and 1.75-acre parcels proposed are similar to parcel sizes divided by land division and subdivisions in the area.

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned, the request will not negatively affect the character of the area.

Finding: There are 43 platted subdivisions within a one-mile radius from the subject property with a 1.25-acre average lot size. As conditioned, the request will create a 1.38-acre average lot size. The 1-acre and 1.75-acre parcels proposed are similar to parcel sizes divided by land division and subdivisions in the area.

A total of two (2) parcels will be allowed to be created via administrative land division (Attachment A, Condition 2a). One parcel will contain the existing dwelling and outbuildings. There is one structure which will be required to be demolished prior to approval of the land division on the current parcel. The result of the request creates one (1) additional dwelling, with the possibility of a secondary dwelling.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the request at the time of land division and development.

Finding: Future development will require domestic wells and septic systems. Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of an individual well and septic system.

If approved through the administrative land division application process of dividing the parcel any water rights will be divided accordingly or each parcel shall use 0.5 acre from the domestic well in accordance with Idaho Law 42-111(a).

F. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property has legal access and must meet requirements at time of development to maintain legal access.

Finding: The property has frontage and existing access from Robinson Road, a minor arterial. It has access through an easement on parcel R27939010, as required by Nampa Highway District. Future access will be required to meet CCZO §07-10-03. A Road Users'

Maintenance Agreement will be required prior to issuance of a building permit (Attachment A, Condition 2c). A paved apron is required for the existing shared access prior to submittal of administrative land division (Attachment A, Condition 2d).

G. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: As conditioned (Attachment A), the request will not cause undue interference with existing or future traffic patterns as proposed.

Finding: Nampa Highway District and Nampa Engineering Division did not indicate a need for public street improvements. As conditioned by the development agreement, a total of two (2) parcels will be allowed to be created via administrative land division. The result of the request creates one additional dwelling (a total of 9.52 average daily trips), with the possibility of a secondary residence. As conditioned, the request is not anticipated to create traffic issues.

H. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: As conditioned (Attachment A), the request is not anticipated to impact essential services. The subject parcel is located approximately one mile west of Nampa city limits. The property will be served by Endeavor Elementary School, East Valley Middle School and Columbia High School. Canyon County Ambulance, Nampa School District, Canyon County Sheriff, and Nampa Fire District were notified. No comments were received.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Hearing Examiner **recommends approval** of Case # CR2022-0013, a conditional rezone of Parcel R27939 from an “R-R” (Rural Residential) zone to an “CR-R-1” (Conditional Rezone – Single-Family Residential) zone subject to conditions of the development agreement (Attachment A & B).

APPROVED this _____ day of _____, 2023.

CANYON COUNTY HEARING EXAMINER

Bruce Eggelston, Hearing Examiner

State of Idaho)
SS

County of Canyon County)

On this _____ day of _____, in the year 2023 before me _____, a notary public,
personally appeared _____, personally known to me to be the person whose name is subscribed
to the within instrument, and acknowledged to me that he(she) executed the same.

Notary: _____

My Commission Expires: _____

**ATTACHMENT A
DEVELOPMENT AGREEMENT CONDITIONS**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject parcel R27939, 2.76 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Division) of the Canyon County Zoning Ordinance in substantial compliance with the conceptual site plan (Attachment B) subject to the following restrictions:
 - a. Division of the subject parcel into more than two (2) parcels is prohibited.
 - b. The existing approach located on parcel R27939010 shall be used for both parcels.
 - c. A Road Users Maintenance Agreement is required prior to issuance of a building permit.
 - d. A paved apron for the existing shared access is required prior to submittal of administrative land division.
3. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification or improvements shall be approved in writing by the local Irrigation District.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. The right to farm act statement shall be disclosed on deeds to all future parcel owners.

**ATTACHMENT B
CONCEPTUAL SITE PLAN**



MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: <u>Otonel Guzman</u>
	MAILING ADDRESS: <u>73 N. Robinson Rd.</u>
	PHONE: <u>(208) 370-9945</u> EMAIL: <u>Guzmanlorena023@icloud.com</u>
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.	
Signature: <u>Lorena Guzman</u> Date: _____	

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME:
	COMPANY NAME:
	MAILING ADDRESS:
	PHONE: _____ EMAIL: _____

SITE INFO	STREET ADDRESS: <u>73 N. Robinson Rd.</u>
	PARCEL #: <u>R27939</u> LOT SIZE/AREA: <u>2.76</u>
	LOT: _____ BLOCK: _____ SUBDIVISION: _____
	QUARTER: _____ SECTION: _____ TOWNSHIP: _____ RANGE: _____
	ZONING DISTRICT: <u>RR</u> FLOODZONE (YES/NO): _____

HEARING LEVEL APPS	<input checked="" type="checkbox"/> ADMIN CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input checked="" type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER _____		

CASE NUMBER: <u>CR 2022-0013</u>	DATE RECEIVED: <u>5/10/2022</u>
RECEIVED BY: <u>Sage</u>	APPLICATION FEE: <u>\$1,235.00</u> CK MO <input checked="" type="radio"/> CASH

Revised 1/3/21

Exhibit 2

We want to rezone the property
into a R1 zone.

73 N. Robinson Rd.
Nampa, Id 83686

Parcel B.
1.75 Ac

Parcel A
1.01 Acre-

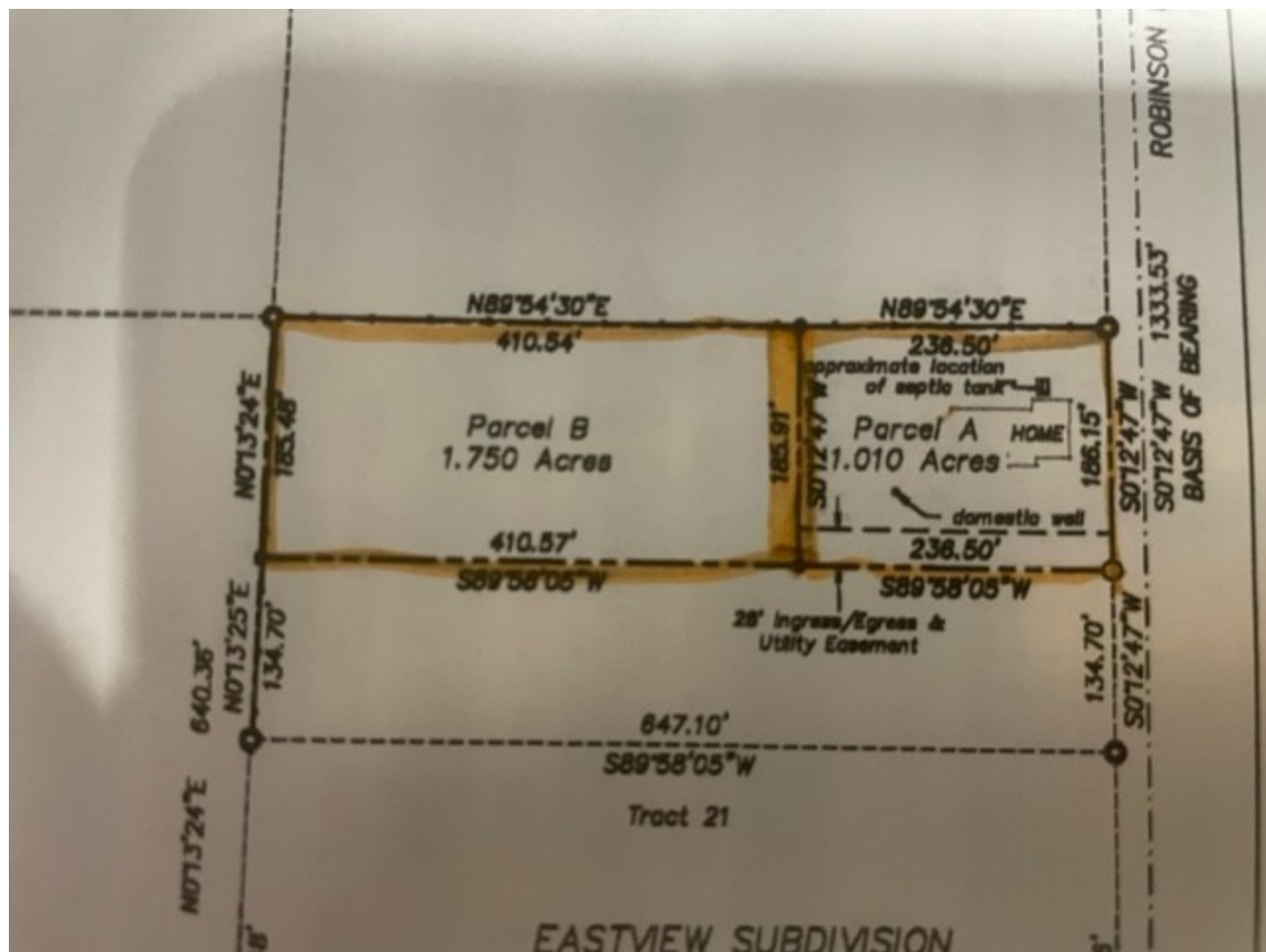
Lorena Gulman

Dear Madelyn VanderVeen,

The purpose of dividing the property is to leave the house with one acre & in the future make a home in the 1.73 acres. We would appreciate very much if you guys could help us with this plan. Please & thank you for your time.

Sincerely: Lorena Guzman

5/8/22



LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633



LAND USE WORKSHEET

Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☐ N/A – Explain why this is not applicable: _____

☐ How many Individual Domestic Wells are proposed? _____

2. SEWER (Wastewater) ☒ Individual Septic ☐ Centralized Sewer system

☐ N/A – Explain why this is not applicable: _____

3. IRRIGATION WATER PROVIDED VIA:

☐ Surface ☒ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION:

☐ Pressurized ☐ Gravity

5. ACCESS:

☐ Frontage ☐ Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:

☒ Public ☐ Private Road User's Maintenance Agreement Inst # _____

7. FENCING

☐ Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. STORMWATER:

☐ Retained on site ☐ Swales ☐ Ponds ☒ Borrow Ditches

☐ Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

Canals, _____

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- ☒ Residential 1 ☐ Commercial _____ ☐ Industrial _____
☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

- ☐ Water supply source: PUMP

3. INCLUDED IN YOUR PROPOSED PLAN?

- ☒ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

NON-RESIDENTIAL USES

1. SPECIFIC USE: _____

2. DAYS AND HOURS OF OPERATION:

- ☐ Monday _____ to _____
☐ Tuesday _____ to _____
☐ Wednesday _____ to _____
☐ Thursday _____ to _____
☐ Friday _____ to _____
☐ Saturday _____ to _____
☐ Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? ☐ Yes If so, how many? _____ ☐ No

4. WILL YOU HAVE A SIGN? ☐ Yes ☐ No ☐ Lighted ☐ Non-Lighted

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

What type of sign: _____ Wall _____ Freestanding _____ Other _____

5. PARKING AND LOADING:

How many parking spaces? _____

Is there is a loading or unloading area? _____

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: One

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building ☐ Kennel ☒ Individual Housing ☐ Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☒ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL

☒ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 73 N. Robinson RD	Parcel Number:	
City: Nampa	State: ID	ZIP Code: 83687
Notices Mailed Date:	Number of Acres: 1	Current Zoning: 2.76
Description of the Request:		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Otoniel Guzman		
Company Name:		
Current address: 73 N. Robinson RD		
City: Nampa	State: ID	ZIP Code: 83687
Phone: (208) 371-0389	Cell:	Fax:
Email: otonieldiaz48@gmail.com		

MEETING INFORMATION

DATE OF MEETING: 3/5/22	MEETING LOCATION: 73 N. Robinson RD	
MEETING START TIME: 10:00 am	MEETING END TIME: 10:10 am	
ATTENDEES: None		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

10.

11.

12.

13.

14.

15.

16.

17.

18.

19.

20.

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Doniel Ezman

APPLICANT/REPRESENTATIVE (Signature): Doniel Ezman

DATE: 30 / 5 / 22

Notice of Neighborhood Meeting Conditional Use Permit Pre-application requirement for a Public Hearing

4 January 2022

Dear Neighbors,

We are in the process of submitting an application for a Conditional Use Permit (or variance, zoning ordinance map amendment, expansion or extension of nonconforming uses, etc.) to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit (or other case type) is applied.

The Neighborhood Meeting details are as follows:

Date: ~~15 January 2022~~ *march 5*
Time: ~~3pm~~ *10:Am*
Location: 73 N Robinson Rd.
Property description: Residential

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have. Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project. If you have any questions prior to the meeting, please contact me at (phone, email, written correspondence).

Sincerely,

Otoniel Guzman

11:44



Done Neighbor Notification...



KWBOISE
KELLER

103

Neighbor Notification Memo

31 August 2021

RE: 73 N Robinson Rd, Nampa, ID 83687

Owner: Otoniel Gusman

To Whom It May Concern:

We at 73 N Robinson Rd, Nampa, ID 83687 are planning to rezone our property. The purpose is to achieve 1 acre plots available for building of residential homes.

Your residence surrounding the property will not be affected by this change and any easements required will be on the owner's land. This is compatible with our surrounding area and residence because it does not incur and major changes to the neighborhood.

This letter serves as notification and is within zoning amendment compliance.

Signed,



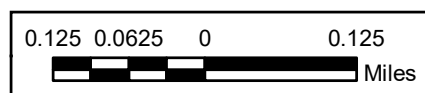
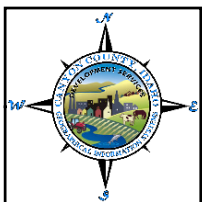
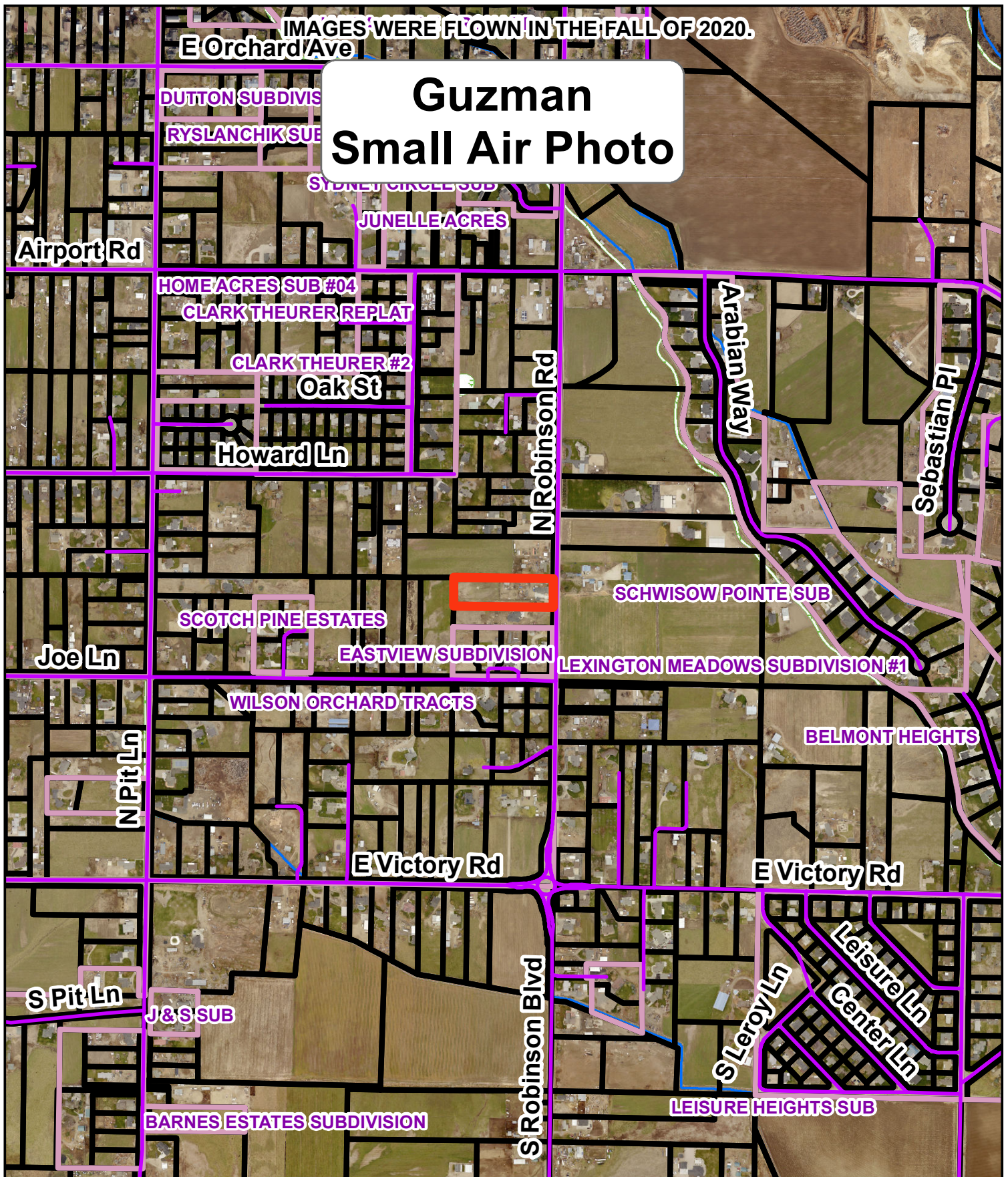
1065 S. Allante Place Boise, ID 83709
208.672.9000

103 N Robinson Rd

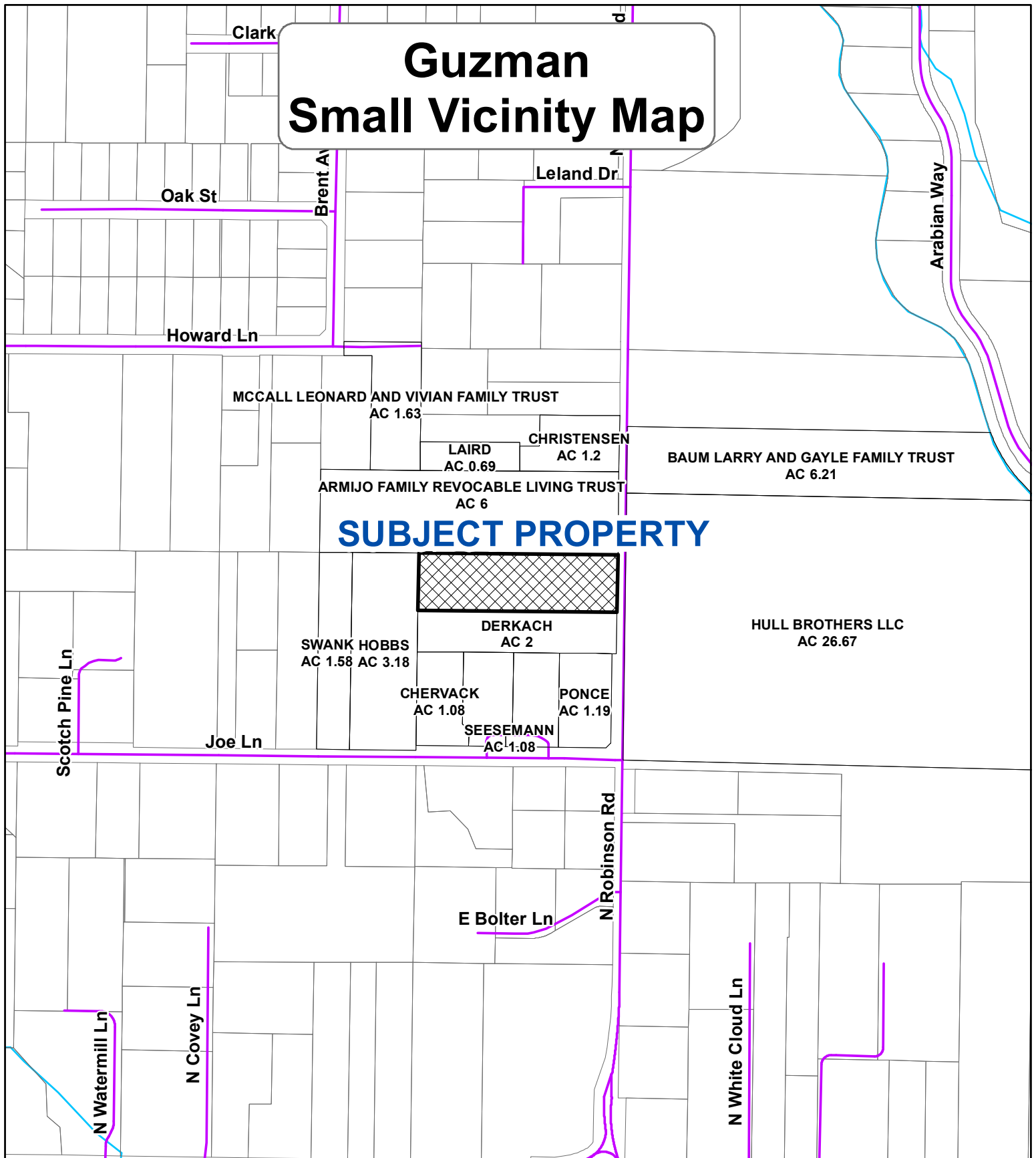
Each Office Independently Owned & Operated

IMAGES WERE FLOWN IN THE FALL OF 2020.

Guzman Small Air Photo



Guzman Small Vicinity Map



SUBJECT PROPERTY

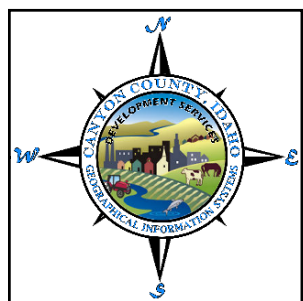
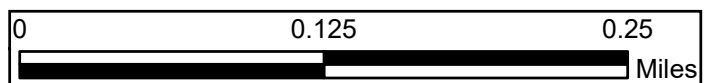
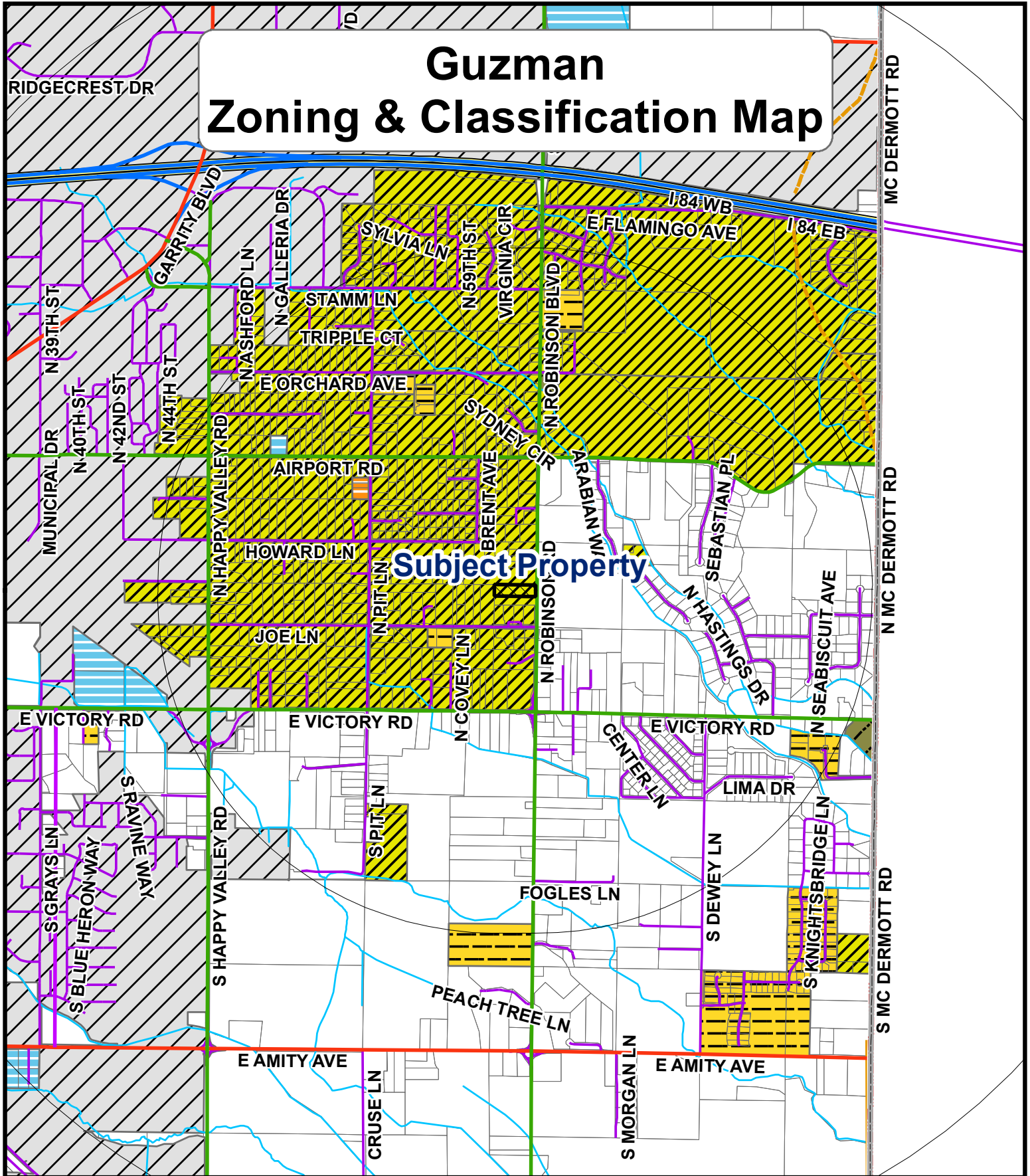


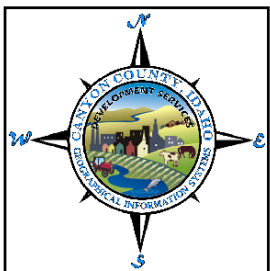
Exhibit 4b



Guzman Zoning & Classification Map



Subject Property



ZONING			
	RR		R2
	CR-RR		C
	R1		C1
	CR-R1		CR-C1
	C2		CR-C2
	M2		M1
	AG		CR-M1

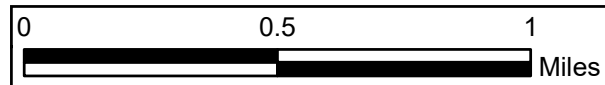
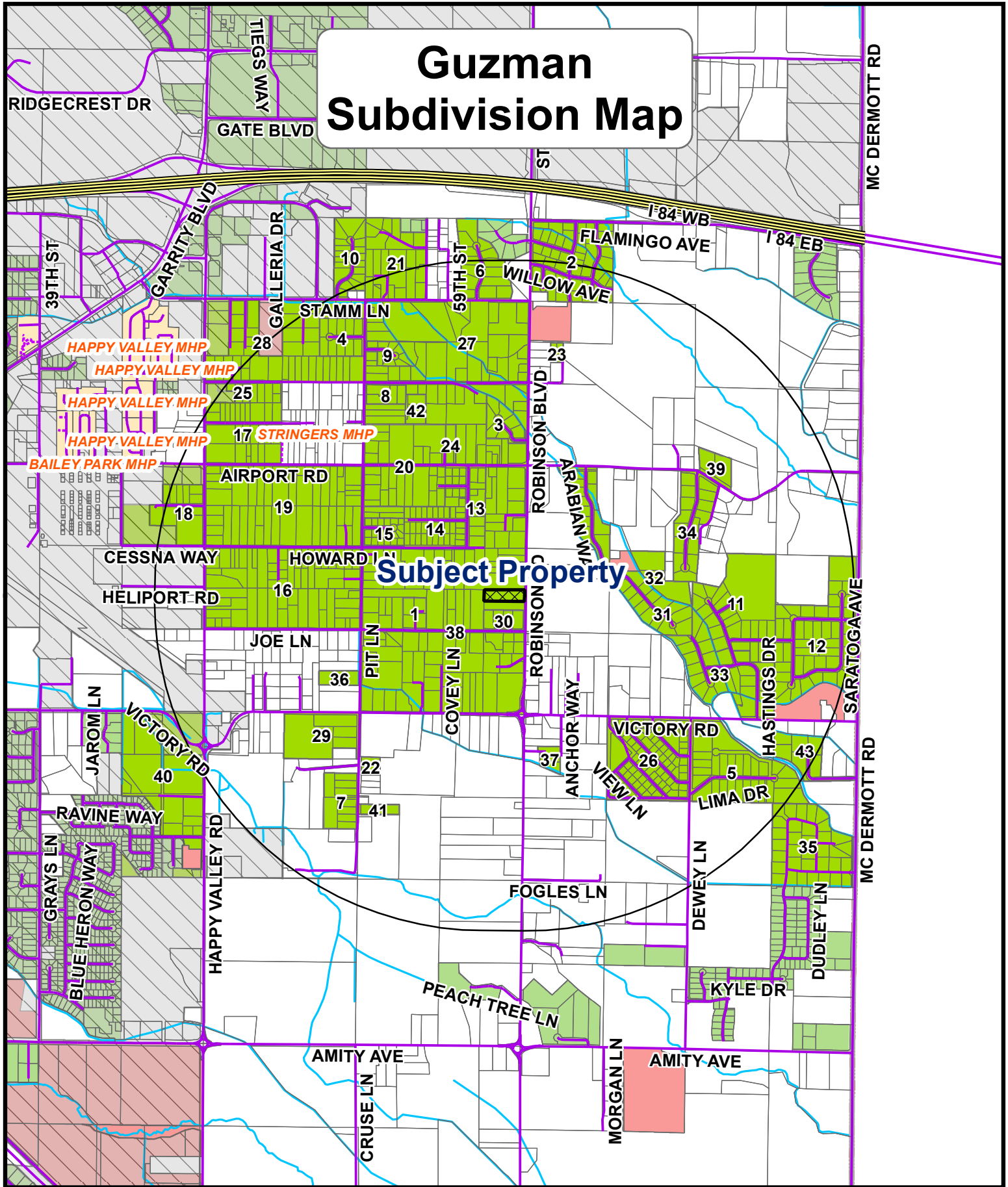


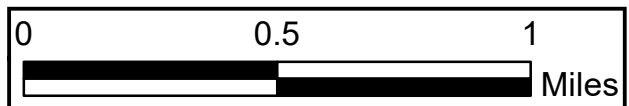
Exhibit 4c

Guzman Subdivision Map



	MOBILE HOME PARKS1
	Prelim Subs
	SUBS

Exhibit 4d



SUBDIVISION & LOT REPORT

NUMBER OF SUBS		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
43		1218.70	975	1.25	
NUMBER OF SUBS IN PLATTING		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
4		28.97	86	0.34	
NUMBER OF LOTS NOTIFIED		AVERAGE	MEDIAN	MINIMUM	MAXIMUM
37		2.58	1.19	0.51	26.67
NUMBER OF MOBILE HOME PARKS		ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
1		1.40	6.00	4.00	4.00

PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
SCOTCH PINE ESTATES	1	3N1W19	4.20	4	1.05	COUNTY (Canyon)	2004
STAR CREST SUB	2	3N1W17	39.19	50	0.78	COUNTY (Canyon)	1970
SYDNEY CIRCLE SUB	3	3N1W19	7.40	9	0.82	COUNTY (Canyon)	2004
TRIPPLE ESTATES	4	3N1W18	10.03	25	0.40	COUNTY (Canyon)	1996
VICTORY HEIGHTS SUB	5	3N1W29	38.36	29	1.32	COUNTY (Canyon)	1970
VIRGINIA HILLS SUB	6	3N1W18	18.68	14	1.33	COUNTY (Canyon)	1993
WAR EAGLE MEADOWS	7	3N1W30	11.36	9	1.26	COUNTY (Canyon)	1997
DUTTON SUBDIVISION	8	3N1W19	4.73	4	1.18	COUNTY (Canyon)	2018
APPLE CREEK ESTATES	9	3N1W18	4.80	10	0.48	COUNTY (Canyon)	1993
AUTUMN WIND SUB	10	3N1W18	14.22	19	0.75	COUNTY (Canyon)	2001
BELMONT HEIGHTS #2	11	3N1W20	39.53	22	1.80	COUNTY (Canyon)	2002
BELMONT HEIGHTS #3	12	3N1W20	51.05	42	1.22	COUNTY (Canyon)	2004
CLARK THEURER REPLAT	13	3N1W19	9.49	11	0.86	COUNTY (Canyon)	1972
CLARK THEURER #2	14	3N1W19	20.03	45	0.45	COUNTY (Canyon)	1977
COUNTRY MEADOWS	15	3N1W19	6.69	19	0.35	COUNTY (Canyon)	1992
EAGLE HEIGHTS 1ST DIV	16	3N1W19	76.50	64	1.20	COUNTY (Canyon)	1909
HOME ACRES SUB #01	17	3N1W19	35.18	32	1.10	COUNTY (Canyon)	1940
HOME ACRES SUB #02	18	3N2W24	30.10	13	2.32	COUNTY (Canyon)	1940
HOME ACRES SUB #03	19	3N1W19	76.92	43	1.79	COUNTY (Canyon)	1942
HOME ACRES SUB #04	20	3N1W19	40.08	25	1.60	COUNTY (Canyon)	1942
HOME ACRES SUB #12	21	3N1W18	27.90	24	1.16	COUNTY (Canyon)	1943
J & S SUB	22	3N1W30	1.99	2	1.00	COUNTY (Canyon)	2004
JASPER PLACE	23	3N1W17	1.45	5	0.29	COUNTY (Canyon)	1999
JUNELLE ACRES	24	3N1W19	2.37	2	1.18	COUNTY (Canyon)	2000
LAST ORCHARD SUB	25	3N1W19	2.40	4	0.60	0	1986
LEISURE HEIGHTS SUB	26	3N1W29	40.70	78	0.52	COUNTY (Canyon)	1972
NAMPA APPLE ORCHARD	27	3N1W18	75.11	39	1.93	COUNTY (Canyon)	1915
ORCHALARA HEIGHTS	28	3N1W18	67.80	48	1.41	COUNTY (Canyon)	1910
WAYNE RUSSELL SUB	29	3N1W30	19.08	4	4.77	COUNTY (Canyon)	2005
EASTVIEW SUBDIVISION	30	3N1W19	4.76	4	1.19	COUNTY (Canyon)	2006
LEXINGTON MEADOWS SUBDIVISION #1	31	3N1W20	30.92	29	1.07	COUNTY (Canyon)	2006
SCHWISOW POINTE SUB	32	3N1W20	8.70	2	4.35	COUNTY (Canyon)	2005
BELMONT HEIGHTS	33	3N1W20	32.40	29	1.12	COUNTY (Canyon)	2001
JAIALDI ESTATES SUBDIVISION	34	3N1W20	18.36	14	1.31	COUNTY (Canyon)	2007
BRITTANIA HEIGHTS SUBDIVISION	35	3N1W29	35.86	34	1.05	COUNTY (Canyon)	2008
HILL AND PETTY ESTATES SUB	36	3N1W19	3.47	2	1.73	COUNTY (Canyon)	2005
WHISPERING PINES GLEN SUBDIVISION	37	3N1W29	2.92	2	1.46	COUNTY (Canyon)	2011
WILSON ORCHARD TRACTS	38	3N1W19	221.59	128	1.73	COUNTY (Canyon)	1917
TWO CLEGG SUBDIVISION	39	3N1W20	5.24	2	2.62	COUNTY (Canyon)	2019
NAMPA ORCHARD TRACTS	40	3N2W25	60.51	22	2.75	COUNTY (Canyon)	1909
BARNES ESTATES SUBDIVISION	41	3N1W30	2.39	1	2.39	COUNTY (Canyon)	2020
RYSLANCHIK SUBDIVISION	42	3N1W19	3.53	4	0.88	CANYON COUNTY	2021
WINDMILL RANCH SUBDIVISION	43	3N1W29	10.72	7	1.53	COUNTY (Canyon)	2022

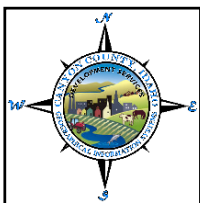
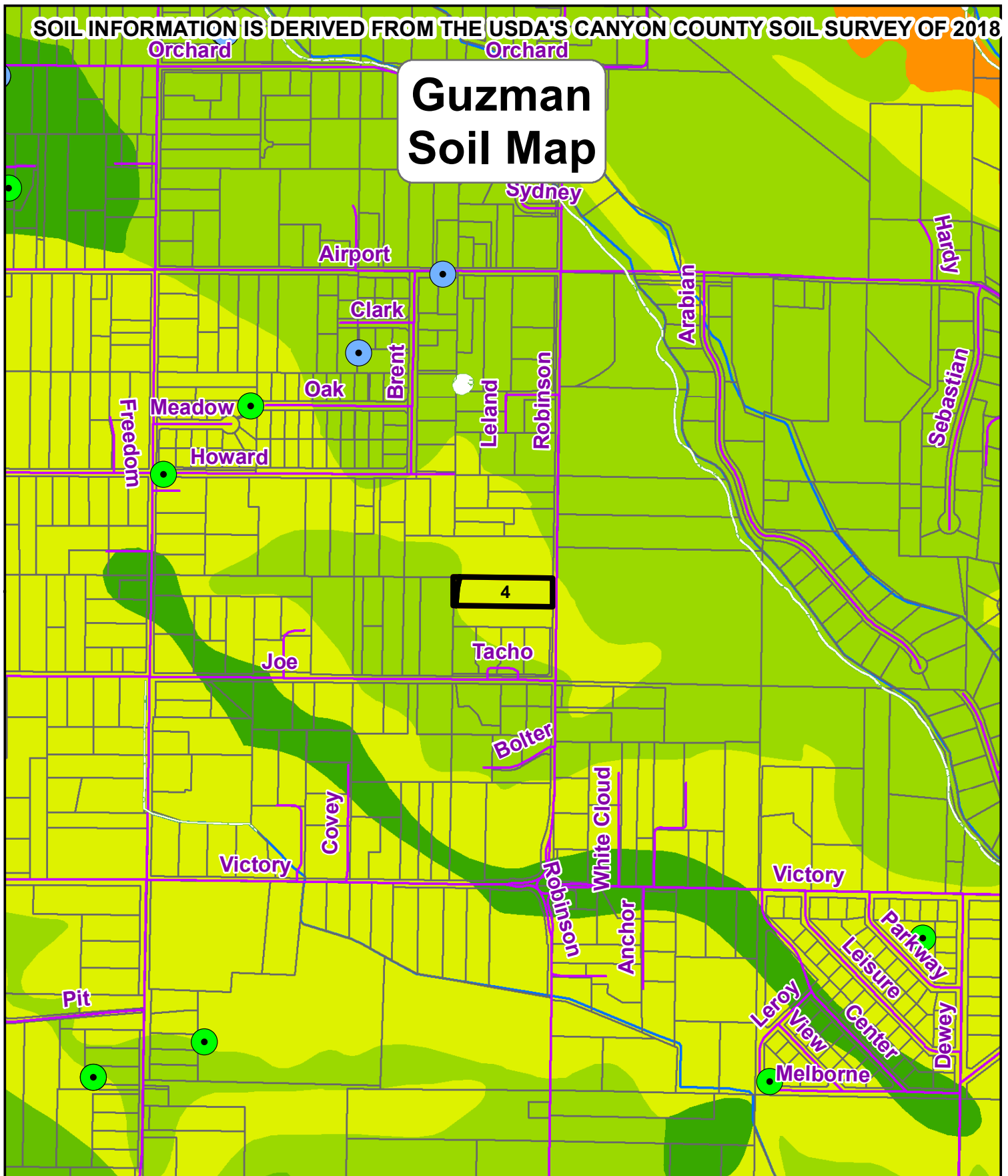
SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE			
Red Cow Fold	2.45	1	2.45			
Maple Leaf	7.79	58	0.13			
DTH Subdivision	8.58	7	1.23			
Victory Springs	10.15	20	0.51			

MOBILE HOME & RV PARKS

SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...
Stringers MHP	5022 Airport Road	1.40	6	0.23	Canyon County

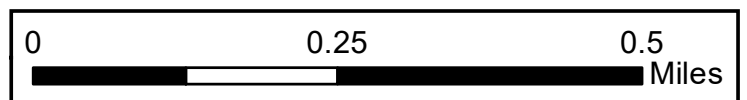
Guzman Soil Map



- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- ▲ 10.000001 - 49.800000

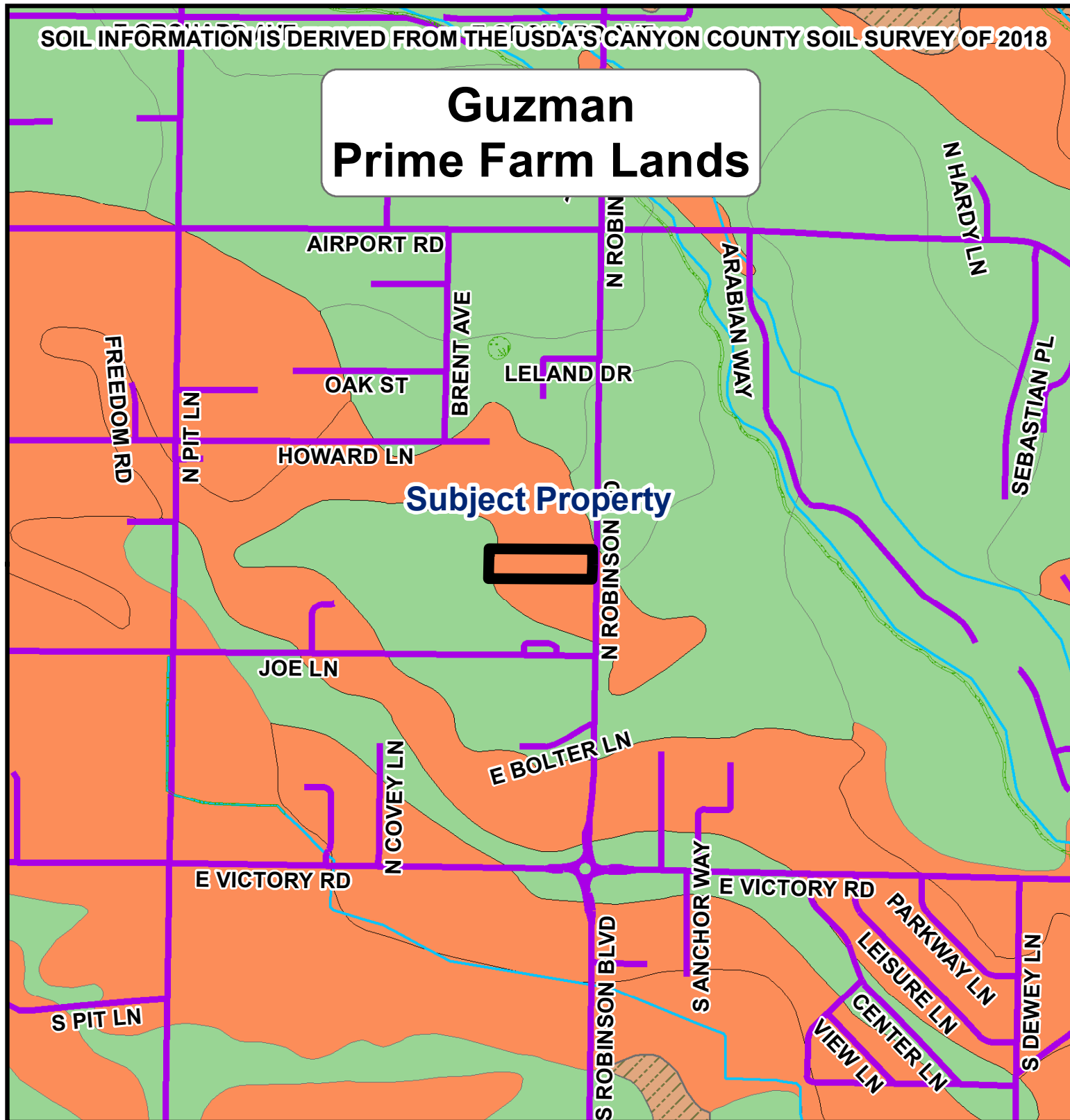
- GEO-THERMAL LOCATIONS
- Wetlands

Exhibit 4e



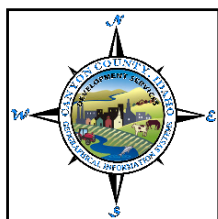
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Guzman Prime Farm Lands

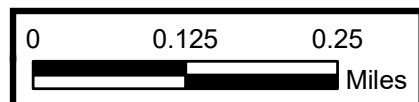


SOILS

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed



- TAXLOTS
- City Limits
- WETLANDS
- 2C_Hydro



SOIL REPORT

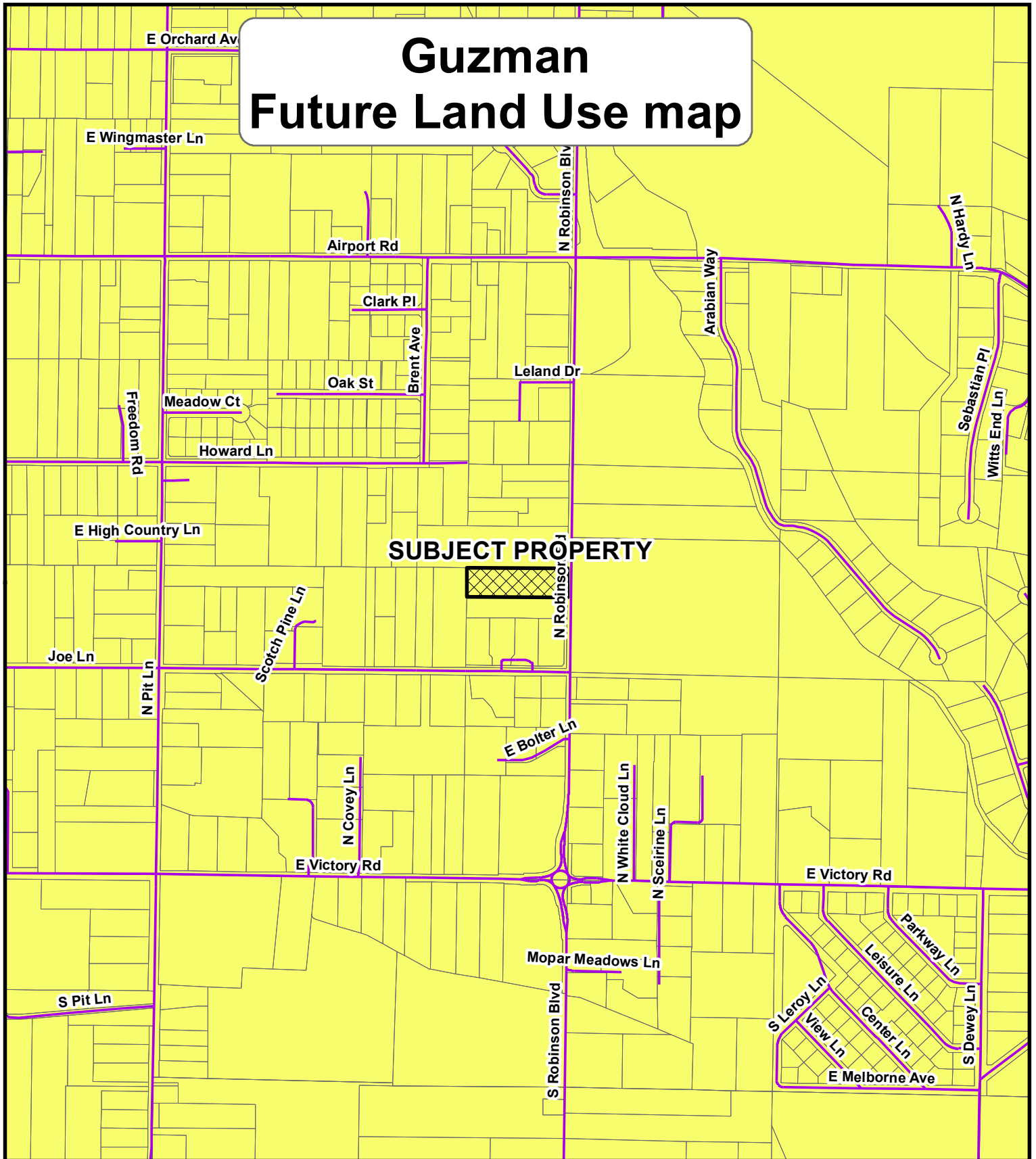
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	4922.28	0.11	4.09%
4	MODERATELY SUITED SOIL	115303.32	2.65	95.91%
		120225.60	2.76	100%

FARMLAND REPORT

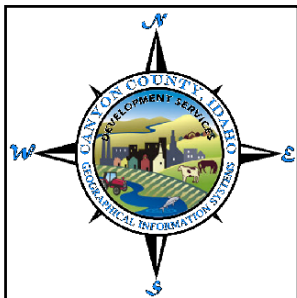
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
EhB	Prime farmland if irrigated	4922.28	0.11	4.09%
EIC	Not prime farmland	115303.32	2.65	95.91%
		120225.60	2.76	100%

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018

Guzman Future Land Use map



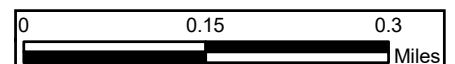
SUBJECT PROPERTY

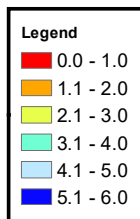


Legend

- Scenic_Byway
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

Exhibit 4f



[illegible]

-  Interstate
 Expressway
 Proposed Expressway
 Principal Arterial
 Proposed Principal Arterial
 Minor Arterial
 Proposed Minor Arterial
 Collector
 Proposed Collector

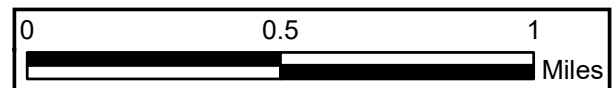
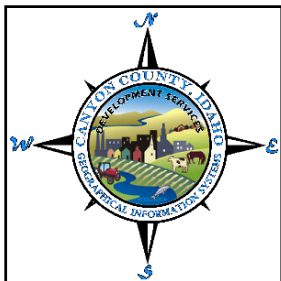
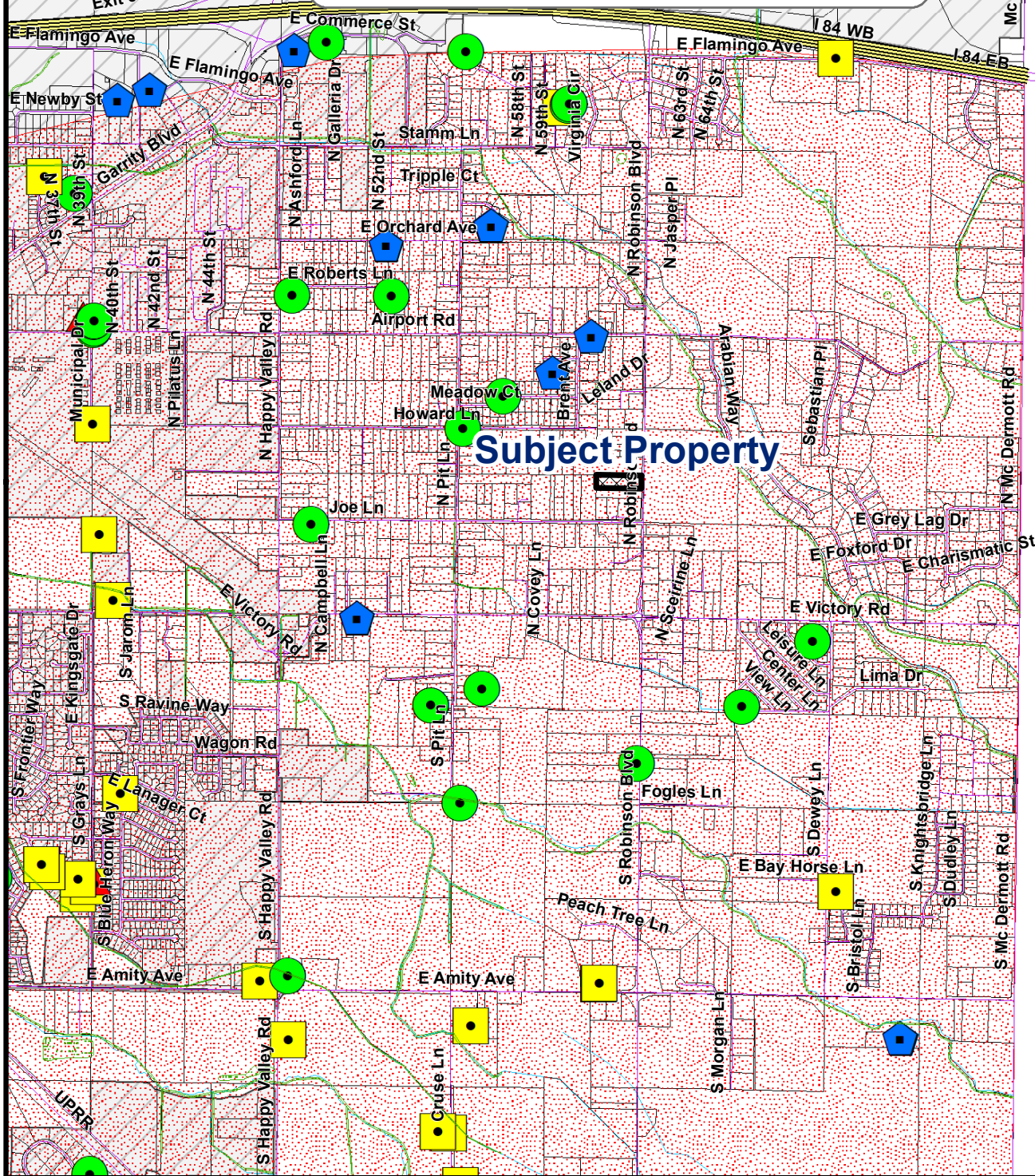


Exhibit 4g

NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ, NITRATE PRIORITY 2020.

Guzman Nitrate Priority & Wells



GEO-THERMAL LOCATIONS



WETLANDS



NITRATE_PRIORITY

DEQ WELLS
N03_MGL

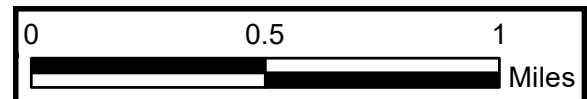
0.005 - 2.00

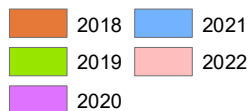
2.00 - 5.00

5.00 - 10.00

10.00 - 49.80

Exhibit 4h



[illegible]

A horizontal scale bar with a black border. It is divided into two equal segments by a vertical line. The left segment is labeled '0' at its left end and '0.5' at the dividing line. The right segment is labeled '1' at its right end. Below the bar, the word 'Miles' is written in black text.

CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	RZ-PH-2018-64	RR TO R1	Carter Estate	APPROVED
2	RZ2018-0027	Rezone RR to R1	Damyan	APPROVED
3	PH2016-51-APL	Temp Public Qasi Religious related events	Wat Idahoophoxaiyaraam Inc.	APPROVED
4	SD-PH2018-19	Dutton Subdivision	Dutton Subdivision	APPROVED
5	SD2018-0024	Two Clegg Subdivision	Two Clegg Subdivision	APPROVED
6	CR2019-0014	Cond Rezone AG to CR-RR	Barnes Jeff & Amy	APPROVED
7	ZV2019-0004	Variance	Robinson Daniel	APPROVED
8	SD2020-0012	Plat - Barnes Estates Sub	Barnes Estates Sub	APPROVED
9	SD2019-0053	Plat - Weatherby Estates	Weatherby Estates	APPROVED
10	RZ2020-0011	Rezone AG to R1	Travis Matthew	APPROVED
11	RZ2020-0018	Rezone AG to RR	Bruji Hans & Connie	APPROVED
12	SD2019-0030	Short Plat- 3 lots	Ryslanchik Sub	APPROVED
13	SD2021-0024	Sub Preliminary & Final Plat Approval	Windmill Ranch Sub	APPROVED
14	RZ2022-0008	Rezone AG to CR-R1	Carlton	APPROVED

Madelyn Vander Veen

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, July 5, 2022 2:08 PM
To: ZoningInfo
Subject: [External] FW: Agency Notice Guzman / CR2022-0013
Attachments: CR2022-0013.pdf; 20220407 Otoniel Guzman.pdf

Good Afternoon,

Mr. Guzman has submitted a Land Split Application to the Highway District. I have attached a copy of the Land Split Application that has our comments included.

If you have any questions feel free to contact us.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 12th Ave. Rd. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Tuesday, July 5, 2022 1:41 PM
To: Cortney Stauffer <cstauffer@nsd131.org>; Darlene Leon <dleon@nsd131.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; 'johnsonrl@cityofnampa.us' <johnsonrl@cityofnampa.us>; 'hoskinsb@cityofnampa.us' <hoskinsb@cityofnampa.us>; Eddy Thiel <eddy@nampahighway1.com>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'd3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; 'nmid@nmid.org' <nmid@nmid.org>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>
Subject: Agency Notice Guzman / CR2022-0013

Good afternoon;

Please see the attached agency notice. Please direct your comments or questions to the Canyon County Planning Department at zoninginfo@canyoncounty.id.gov

Thank you,



Bonnie Puleo

Sr. Administrative Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

(208) 454-6633 *fax*

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LAND SPLIT APPLICATION

NHD-003

Rev Jan 2015

Page 1 of 1

SECTION I - APPLICANT INFORMATION (TO BE COMPLETED BY APPLICANT)

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

OTONIEL GURMAN
NAME OF APPLICANT

Lorena Gurman
SIGNATURE OF APPLICANT

73 N Robinson Rd
ADDRESS

4/6/22
DATE

Nampa ID 83687
CITY STATE ZIP

208 370 9945
PHONE (CELL NUMBER PREFERRED)

ROAD NAME: Robinson BETWEEN JOC & Airport
FIRST CROSS STREET SECOND CROSS STREET

SIDE OF ROAD:

☐ North ☐ South☐ East ☒ West

TOTAL NUMBER OF:

New Lots: 1New Access Points: 0

PLATTED SUBDIVISION?

☒ No (attach sketch of proposed land split)☐ Yes (submit Conceptual Plan prepared by an Engineer)

SECTION II - WORKSHEET/RECOMMENDATION (TO BE COMPLETED BY HIGHWAY DISTRICT)

APPLICATION FEE: ☒ Paid ☐ Not Paid Cash85th PERCENTILE SPEED: 55 mphROAD NO. 116SIGHT DISTANCE: ☒ Sufficient ☐ InsufficientROAD SURFACE: ☒ Asphalt ☐ Gravel ☐ DirtTRAFFIC VOLUME: 3332 ADTSHARED ACCESS: ☒ Yes ☐ NoFUNCTIONAL CLASSIFICATION: ☒ Arterial☐ CollectorCULVERTS REQUIRED: ☐ Yes ☒ No☐ OtherMEETS ACCESS CONTROL STANDARDS?: ☒ Yes ☐ No

ADDITIONAL REMARKS/CONDITIONS: (IF NONE, SO STATE)

No new direct access is allowed. A paved apron is required for the shared access as it will serve 3 parcels per Standard Drawing #ACCHD-106

Robinson Rd is classified as a Minor Arterial. Per ACCHD Standards, no new direct access is allowed to Arterial Roadways

THIS LAND SPLIT IS:

☒ Recommended for approval,
subject to the above conditions☐ Not recommendedEdward Thiel

SIGNATURE - HIGHWAY DISTRICT OFFICIAL

4-7-22

DATE

LAIRD GARRELL RAND
81 N ROBINSON RD

CHRISTENSEN MARK CLIFTON
95 N ROBINSON RD

ARMJO FAMILY REVOCABLE LIVING TRUST
79 N ROBINSON RD

GUZMAN OTONIEL
73 N ROBINSON RD

019

HOBBS GERALD R
6018 JOE LN

DERKACH VYACHESLAV
65 N ROBINSON RD

CHERVACK TATYANA
51 N TACHO PL

BUKHANTSOV IGOR
55 N TACHO PL

SESEMANN ANDREW D
51 N TACHO PL

PONGALYARO
59 N ROBINSON BLVD

HULL BROTHERS LLC
70 N ROBINSON RD

Robinson Rd

Shared Access

Madelyn Vander Veen

From: Doug Critchfield <critchfieldd@cityofnampa.us>
Sent: Thursday, July 7, 2022 10:48 AM
To: ZoningInfo
Cc: Caleb Laclair; Rodney Ashby
Subject: [External] RE: [External]Legal Notice Guzman / CR2022-0013

Comments from the City of Nampa Planning and Zoning Department:

The application for a conditional rezone to R-1 would allow the property at 73 N Robinson Rd. to be subdivided into 1+-acre lots. The current Nampa Comprehensive Plan Future Land Use Map designation for this parcel is 'Community Mixed Use'. A comprehensive plan change from 'Community Mixed Use' to 'Residential Mixed Use' will be brought to the Nampa Planning and Zoning Commission for their consideration in fall of this year. The maximum lot size in the 'Residential Mixed Use' designation is 12,000 square feet. Subdivision of this parcel into lots that are more than 12,000 square feet would be inconsistent with the future changes proposed for the Nampa Comprehensive Plan Future Land Use Map.

If the property is to be subdivided with City utility connections, a pre-annexation and utility agreement will be required along with any associated fees.

Because of the incongruence between the proposed zoning with a possible lot split and the current and proposed future land use designation for this parcel, Nampa Planning and Zoning does not support this application at this time.

Comments from the City of Nampa Engineering Division:

Robinson Rd is classified a Principal Arterial. The planned right-of-way width is 100', 50' half width from Section Line.

City utilities are not presently available to the property. The City's water system is approximately 2,000' north of the property in Airport Rd and 1,800' south of the property in E Victory Rd. The City's sewer system is approximately 1.8-miles to the west of the property.

From: Caleb Laclair <laclairc@cityofnampa.us>
Sent: Tuesday, July 5, 2022 5:32 PM
To: Doug Critchfield <critchfieldd@cityofnampa.us>
Subject: FW: [External]Legal Notice Guzman / CR2022-0013

Hi Doug,
Here are my comments if you can add to your response to the County.

1. Robinson Rd is classified a Principal Arterial. The planned right-of-way width is 100', 50' half width from Section Line.
2. City utilities are not presently available to the property. The City's water system is approximately 2,000' north of the property in Airport Rd and 1,800' south of the property in E Victory Rd. The City's sewer system is approximately 1.8-miles to the west of the property.

Thanks,

Caleb LaClair, P.E.

Assistant City Engineer, Engineering

O: 208.468.5422, C: 208.250.2679

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>

Sent: Tuesday, July 5, 2022 1:44 PM

To: Caleb Laclair <laclairc@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfieldd@cityofnampa.us>; Nathan Haveman <havemann@cityofnampa.us>; Char Tim <timc@cityofnampa.us>

Subject: [External]Legal Notice Guzman / CR2022-0013

Caution: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using your Phish Button or call the helpdesk at 208-468-5454

Dear Agency;

You are hereby notified, pursuant to the Joint Exercise of Power Agreement between the City of Nampa and Canyon County, that the Development Services Department has accepted the following application: CR2022-0013. Attached for your review is a copy of the letter of intent and a site plan. If you would like additional information please contact the Canyon County Planning Department at zoninginfo@canyoncounty.id.gov.

Thank you,



Bonnie Puleo

Sr. Administrative Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

(208) 454-6633 *fax*

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